Breaking Down Barriers: Effective Coordination Between Counselors and Legal Services Organizations

Odette Williamson
November 6, 2015
National Consumer Law Center

- Since 1969, the nonprofit National Consumer Law Center (NCLC) has worked for consumer justice and economic security for low-income individuals
- Advocate on behalf of low-income consumers
- Provide training, legal analysis, case consultation and advocacy on consumer law issues
- Resources for lawyers and housing counseling professionals
Resources for Housing Counselors

• In-person trainings
• Webinar series
• Books and Publications
• E-Newsletter/ E-Lerts
• Online Complaint Form
• Website: www.nclc.org
Mediation Programs

• Goal of the program
• Program design, size and scope
• Use of housing counselors
• Use of legal services
• Resources devoted to the program
• Tenure of the program
Effective Coordination

Mediation
- Role more limited and defined
- Mediation rules and program design differ

Outside Mediation
- Broader range of issues
- Work or coordinate with more organizations
Effective Coordination & Communication

• Conversations with stakeholders
  – Housing counselors
  – Legal services programs
  – Mediation program administrators

• Review of practices in other states
Effective Coordination & Communication

- No one size fits all
- Building on what is in place
- Effective practices
  - Communication and outreach
  - Coordination and referrals
- Assessment of resources and funding limits
Effective Coordination & Communication -- Goals

• Establish and maintain good communication
• Develop an effective system of referral and follow up
• Maintain a good working relationship
• Leveraging the respective expertise of each organization
Effective Coordination & Communication

• In mediation/ outside mediation
• Understand the role of the legal services
• Understand the role of housing counseling
• Respect areas of expertise
• Respect limits on resources
What legal services brings…

• Legal expertise on beyond foreclosure
• Fight the foreclosure
• Knowledge of foreclosure and mediation process, timelines, laws and rules
• Loss mitigation programs, legal settlements
• Bound by rules, strict time guidelines
Advantages of working with housing counselors

• Ability to refer homeowners who do not meet eligibility guidelines
• Helpful in developing legal claims and defenses
• More factually reliable record than can be developed by talking to client
• Documents and help getting documents
• Knowledge of workout programs/ HAMP
What housing counselors bring:

- Detailed knowledge of housing programs
- Budget and financial expertise
- Trusted relationship with homeowner
- Documents and information from the homeowner
- Ability to help homeowner understand a complex legal process
- LEP/ cultural competence
Advantages of working with legal services attorneys

• Leverage in getting a modification or other resolution
• Information about the mediation or foreclosure process
• Assistance in resolving complex legal issues
• Training, regular updates and other information
Shared Concerns

- Respect expertise
- Clear about role in mediation process
- Respect program and resource limits
- Willingness to share documents and other information
Shared Concerns

• Referral and follow up
  – Legal services attorneys want referrals much earlier

• Confusion about what cases legal services will accept

• Feedback after referral
  – Black Hole
Barriers to effective communication and coordination

• Roles not clearly defined within the mediation program
• Infrequent or irregular communication
• Misunderstanding resource or program limits
• Competition for resources and funding
Communication & Outreach

• Build and maintain relationship
• Regular formal and informal communication
  – Meetings & trainings
  – Prioritize in-person meetings when possible
  – With organizations or groups
• Troubleshoot issues
• Memorandum of Understanding
Maryland Of-Counsel Program

- In-person and online legal information to housing counselors statewide
- Roundtable meetings with housing counselors
- Respond to questions posted on closed listserv
  – Within 24 hours
- Listservs regional
On-going Working Relationship

• One dedicated staff member at each agency
• Legal services establish “office hours” at the housing counseling agency
  – Regular meetings to discuss cases, training needs, referrals, etc.
• Regular emails with updates on programs, legal settlements, etc.
Office Hours

• Set time each week or month where counselors and lawyers
  – Review case files
  – Do intake
  – Discuss/ refer complicated legal issues
  – Discuss changes in programs and procedures
  – Discuss emerging important changes in foreclosure procedure and law
  – Discuss training needs
System of Referral

- Standardize the referral process
- Housing counselors understand what cases lawyers can take
- Understand the foreclosure timeline
- Understand what documents and information lawyers will need right away
- Lawyers to understand any resource limits on part of housing counseling agency
Referral System

• Build effective referral system
  – Early referrals
  – In-keeping with legal services guidelines
  – Standard format

• Follow-up after referral
  – Routine scheduled call or process

• On-going working relationship
System of Referral

• Follow-up after referral
  – immediate feedback/ acknowledge referral
  – Set aside time for more in-detail discussion
  – Discuss problems with referrals
  – On-going communication regarding status of case
Mediation programs

• Meeting with stakeholders should involve housing counselors and legal services programs even if not formally funded
• Programs evolve, roles should be redefined and clarified
• Troubleshoot any issues
THANK YOU!

- Odette Williamson
- owilliamson@nclc.org
- 617 542-8010
The nonprofit National Consumer Law Center® (NCLC®) helps build family wealth for low-income and other disadvantaged people in the U.S. by offering advocacy expertise through publications, policy analysis, research, litigation services, and training. www.nclc.org