Independent Evaluation of Michigan's Intake and Referral Ecosystem for Civil Legal Needs

Prepared for: Michigan Justice for All Commission

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STOUT

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Section I-Stout Profile and Qualifications

1. Stout Risius Ross, LLC (Stout) is a global investment bank and advisory firm specializing in corporate finance, valuation, financial disputes, and investigations. In addition to these services, Stout's professionals have expertise in strategy consulting involving a variety of socioeconomic issues, including issues of or related to access to justice and the needs of low-income individuals and communities.

2. Under the direction of Neil Steinkamp, who leads Stout's Transformative Change Consulting practice, Stout is a recognized leader in the civil legal services community and offers the following services:

   - Economic impact assessments and policy research for civil legal services initiatives
   - Strategy consulting and action plan development for issues relating to access to justice
   - Non-profit budget development, review, and recommendations
   - Cost-benefit and impact analyses for non-profit initiatives and activities
   - Data-driven program evaluation and implementation
   - Dispute consulting and damages analyses for low-income individuals.

3. Neil Steinkamp is a Managing Director at Stout and a well-recognized expert and consultant on a range of strategic, corporate, and financial issues for businesses, non-profit organizations and community leaders and their advisors. Neil has extensive experience in the development of strategic plans, impact analyses, data evaluation, and organizational change. His work often includes assessments of data reporting, data collection processes, the interpretation or understanding of structured and unstructured data, the review of documents and databases, the development of iterative process improvement strategies, the creation of data monitoring platforms to facilitate sustained incremental change toward a particular outcome and creating collaborative environments.

4. Stout has been engaged by more than 50 non-profit organizations serving low-income communities across the United States. These engagements often included program or public policy evaluations, return on investment analyses, strategic action planning (organizational, statewide, and local), and market assessments of legal technologies designed to assist people with low incomes. In 2016, Stout was retained by the New York State Permanent Commission on Access to Justice (NYS Commission) to assist with developing and implementing a strategic action plan. The NYS Commission received a grant from the National Center for State Courts as part of its Justice for All project. Stout collaborated with the NYS Commission and stakeholders throughout New York to develop a statewide strategic action plan and local strategic action plans aimed at closing the access to justice gap in New York. Stout continues to work with the NYS Commission on implementing elements of the strategic action plan, the most recent of which was creating

and deploying a statewide survey to gather feedback from court users (represented and unrepresented).

5. Neil is currently serving as the evaluator of eviction right to counsel programs in Cleveland, Milwaukee, Connecticut, Maryland, and Chicago. Stout has conducted eviction right to counsel fiscal return on investment analyses and independent expert reports for advocates, coalitions, bar associations or government agencies in New York City, Philadelphia, Los Angeles, Baltimore, Delaware, Detroit, Newark, Pennsylvania, and New York (outside of New York City) and is currently conducting a cost-benefit analysis of an eviction right to counsel in South Carolina. Following the release of Stout's reports in New York City, Philadelphia, Baltimore, and Detroit eviction right to counsel legislation was enacted. In these engagements, Stout worked closely with funders/potential funders, legal services organizations, landlords, academics studying housing and eviction, government agencies and the continuum of care, non-profits serving low-income residents, community organizers, and impacted residents.

Section II-Executive Summary

6. Stout was engaged by the Michigan Justice for All Commission (MI JFA or the Commission) to evaluate Michigan's current intake and referral ecosystem for residents with civil legal needs. The purpose of the evaluation was to assess the effectiveness of:

   - Michigan's current intake and referral platforms

   - The legal information, resources, and/or referrals given to Michigan residents with low or moderate incomes when they perceive they have a legal issue.

7. Stout shared its findings with Just-Tech, a technology firm dedicated to the specialized needs of legal services providers nationwide and sought its feedback on our recommendations.

8. Through its interactions with the Commission's Triage and Referral Working Group (the Working Group) and select members of the Working Group and the JFA Executive Team (the subcommittee), interviews with leadership and staff of the point of entry organizations, and its research and mystery calling, Stout learnings centered on certain key themes, including:

   - Michigan Legal Help is one of the most comprehensive legal assistance websites in the country.

   - Significant capacity constraints exist at civil legal aid organizations across the state.

   - Gaps in service exist in the private bar for lawyer referral across the state, particularly for certain matter types in certain regions.

   - The legal needs of community members do not appear to change materially based on whether or not they are income-eligible for intake at a civil legal aid organization. However, it is important to consider that people who have legal needs and lower incomes may experience disproportionately severe consequences if they are unable to secure assistance with their legal needs and may have particular difficulty accessing justice-involved systems relative to people with legal needs and higher incomes.

   - Key ecosystem stakeholders (e.g., civil legal aid organizations, community-based organizations, referral organizations, the courts) are not effectively sharing data among each other or using data to inform strategies to communicate better with community members about existing resources.

   - Point of entry organizations, other community resources, and the courts regularly seek to collect feedback from community members interacting with the ecosystem – the point of entry organizations and other community resources through follow

up surveys, and by the courts through its annual Michigan Supreme Court Public Satisfaction Survey.

- A variety of data sources exist that could be brought together, analyzed, and visualized to understand quantitatively how the intake and referral ecosystem is working, where there may be opportunities for iterative refinement, and to enable a sustainable, collaborative, continuous evaluation of the ecosystem.

- Gathering feedback from community members at each node of interaction can be instructive in identifying where in the ecosystem challenges may exist.

9. Based on these key observations, Stout developed 7 recommendations designed to enhance Michigan's intake and referral ecosystem for legal assistance as well as enabling an iterative, sustainable evaluation framework:

- #1: Leverage Michigan Legal Help as the Primary Point of Entry When Possible

- #2: Incorporate into MLH an Automated Chat Feature

- #3: Invest in a Data Visualization Platform, Create Automated Reporting to Monitor Use of MLH, SBM LRS, and CALL, and Incorporate Additional Data Sources

- #4: Assess Normalized CALL and SBM LRS Call Volume and Operational Needs After Effective Leveraging of MLH to Maximize the Value of Referrals to CALL and SBM LRS

- #5: Create and Deploy Client Follow-up and Court-based User Surveys

- #6: Develop a Framework for Continued, Sustainable Ecosystem Evaluation

- #7 Gather Feedback from Community Members at Each Node of Interaction with the Ecosystem

Section III-Michigan's Intake and Referral Ecosystem

10. The primary point of entry organizations in Michigan's current intake and referral ecosystem are MLH, SBM LRS, and CALL. While there are significantly more civil legal aid providers, community-based organizations, non-profits, and other pathways for community members to enter the ecosystem, these three organizations are often the first organizations to be contacted by community members with legal needs and refer community members to each other when they do not have the internal resources to assist them.[1] Another important organization to Michigan's intake and referral ecosystem is 2-1-1. Many community members seek assistance from 2-1-1 for a variety of non-legal and legal needs. 2-1-1, given its breadth of topic areas and expertise in operating a call center, is an integral component of Michigan's intake and referral ecosystem. Michigan's 26 self-help centers throughout the state also play an important role in the intake and referral ecosystem for pro se litigants and residents who may not have access to or are comfortable with using technology.

11. MLH is an online resource for community members who are trying to navigate the legal process without the assistance of an attorney. The website includes the innovative Guide to Legal Help (the Guide), self-help tools for 14 different categories of legal problems, information for community services and the courts, legal clinics and events, and assistance with e-filing in Michigan. The architecture of MLH and the Guide is designed to determine the particular issue a community member is experiencing and where they are located to provide the most effective referral (i.e., MLH and the Guide do not make referrals/recommendations unless that referral/recommendation is available for the issue and in that geographic location). In calendar year 2021, more than 99,000 people interacted with the Guide, and there were nearly 3 million visits to Michigan Legal Help across the state. Figure 1 includes several examples of MLH's website.

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[1] Stout also met with 2-1-1 of Central Michigan and MiChildSupport to understand better how clients with legal needs are accessing the ecosystem through these points of entry. Both 2-1-1 of Central Michigan and MiChildSupport are important elements of an effective intake and referral ecosystem in Michigan. Stout also met with Michigan Indigent Defense Commission to understand better the frequency with which their clients are also experiencing civil legal issues.
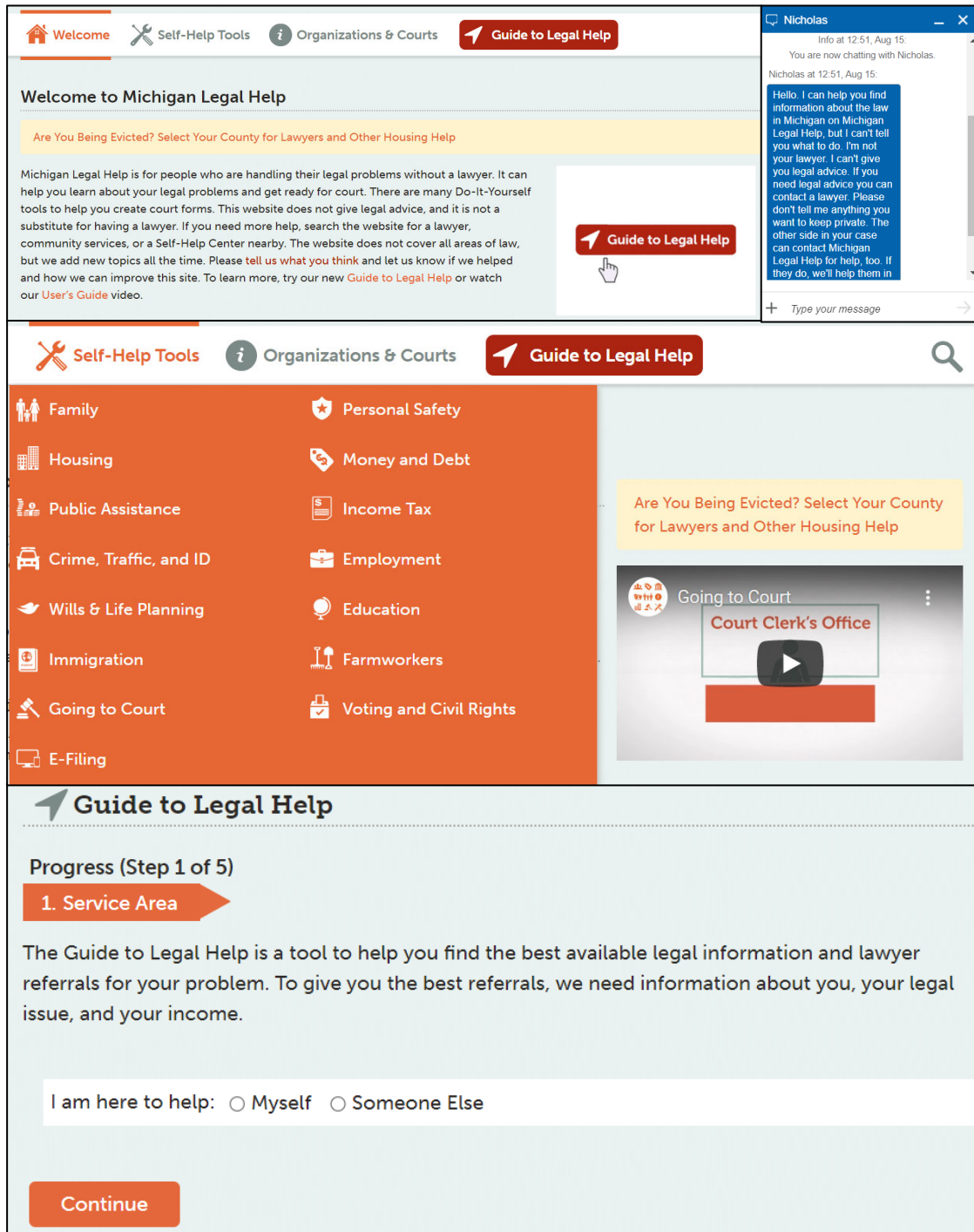
Figure 1

12. SBM LRS is a phone-based referral service staffed by call representatives at the State Bar of Michigan (SBM). Call center representatives match community members with local private attorneys to assist with their legal issues. There is a $25 fee for the referral service, which is retained by SBM to cover the cost of operating the program. Participating attorneys agree to provide 25 minutes of consultation at no charge to the community

member seeking assistance. SBM also maintains a free online directory of private attorneys across the state and has a modest means program where it connects community members with attorneys who offer reduced cost legal assistance. Any attorney in good standing carrying malpractice insurance in Michigan can participate in the lawyer referral service and/or the modest means program. Attorneys who would like to participate are required to use the SBM's online portal to manage their information and referrals. For community members who receive a referral from SBM LRS, an automated client satisfaction survey is sent 2 weeks after the referral was made. In the fourth quarter of 2021 and the first quarter of 2022, SBM LRS was contacted approximately 4,800 times for assistance. Figure 2 includes several examples of SBM LRS's website.

Find the Right Legal Resource Now

The State Bar of Michigan is pleased to offer information to help guide you to resources best suited to help with your legal needs. Use this website to link to helpful legal information and to find a lawyer to assist you with your legal matter.

Legal representation may simplify matters and help you reach a solution in an efficient and effective manner. Include this website in your favorites for easy access as you consider your legal options.

Q. Do I Need a Lawyer?

Tips for Choosing a Lawyer

Frequently Asked Questions

Self-Guided Attorney Search

The State Bar of Michigan's free online directory lets you search for lawyers accepting clients by practice area and geographic location. When reviewing search results, you will be able to compare and evaluate the information lawyers have provided about themselves. Browse attorney backgrounds, areas of expertise, and reviews.

Find a lawyer

Lawyer Referral Service

Call today and let our referral assistant match you with a lawyer who can handle your legal matter. The service is available 8:30 a.m. to 4:45 p.m. Monday – Friday. For a $25 administrative fee, a referral assistant will match you with an attorney who will provide up to a 25-minute initial consultation free of charge. The fee will be waived in some instances.

Learn More

Modest Means Program

Our Modest Means Program connects moderate-income people with attorneys who offer reduced cost legal assistance. The Modest Means Program is not a free program. Applicants must be able to pay for any services received. If you cannot pay, the Guide to Legal Help is a tool that can assist in determining if you qualify for legal aid or other resources.

Learn More

Let Us Help You Find an Attorney...

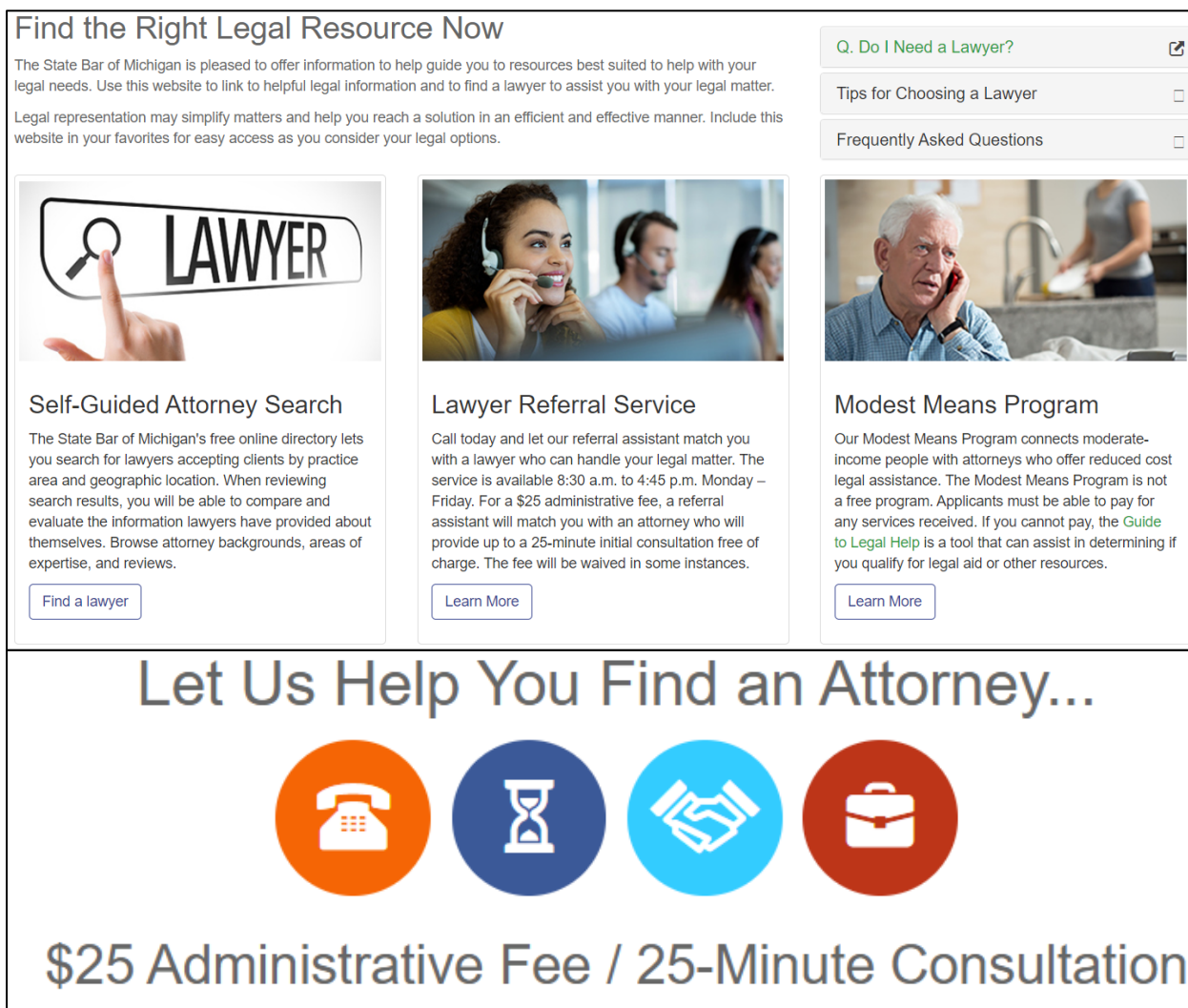## $25 Administrative Fee / 25-Minute Consultation

Figure 2

13. CALL is an attorney-staffed, phone-based service offering legal advice, brief services, and referrals for community members with legal issues. When a community member calls CALL, a legal assistant undertakes a brief screening and a conflict check before transferring the call to an attorney. Attorneys at CALL leverage an internal resource known as the

"wiki" which houses and organizes information related to referrals, community organizations, government agencies, courts, forms, and other resources to assist community members. Through its interactions with management and staff at CALL, Stout learned that most community members contacting CALL are seeking legal advice and/or assistance with forms and motions. Approximately 20% of community members contacting CALL are referred for full representation. Figure 3 includes several examples of Lakeshore Legal Aid's website with CALL's direct phone number.

Lakeshore Legal Aid is committed to providing legal services to our community. Because of limited in-office staffing due to COVID 19, staff may not be available to meet with you if you do not have an appointment. If you are a current client, please contact your attorney for an appointment. If you are seeking services from Lakeshore, we encourage you to call 888-783-8190 or apply for services online at https://michiganlegalhelp.org/.

If you need help with any of these services:

Call us today (888) 783-8190.

- Monday, Tuesday, and Thursday 9am to 5pm
- Wednesday 9am to 6pm
- Friday 9am to 1pm

Or apply online anytime.

FIND LEGAL HELP

Phone Hotline, Walk-In Hours, Community Events, Standing Clinics.
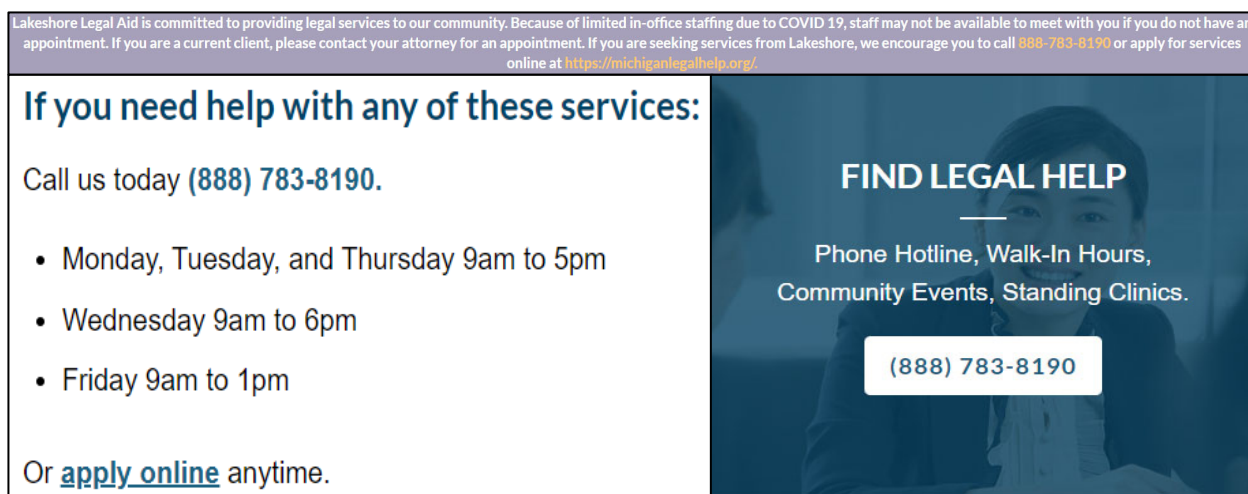
(888) 783-8190

Figure 3

14. In combination, these three organizations represent a robust network of resources available to community members with legal issues. The resources are expansive, diverse, and respond to community members needs at different phases of the legal process (e.g., assistance with completing forms, e-filing, and locating organizations providing legal advice or full representation).

15. Stout's evaluation and recommendations are based on its review of and interaction with the primary point of entry organizations, feedback from "would-be" system users (i.e., mystery callers), and advocates knowledgeable about capacity constraints and limitations of the organizations that could provide more extensive services. The ecosystem with its primary point of entry organizations (i.e., MLH, SBM LRS, CALL), supplemental systems (e.g., 2-1-1 of Central Michigan, providers of indigent defense services, and MiChildSupport), and periphery systems (e.g., the courts, self-help centers, and other community resources) serves as a valuable network in a severely resource constrained environment.

16. The current ecosystem includes a comprehensive set of tools and techniques to understand community members' needs and connect them to resources that may be able to provide effective assistance, which ranges from access to forms to referrals for full representation. The current ecosystem is reasonably effective for people who have the skills to navigate it and for whom resources are available. However, particularly for SBM LRS and CALL,

internal and external resource constraints prevent them from responding to community members' needs as promptly as would be possible with additional funding. For example, SBM LRS and CALL are often unable to provide effective referrals for legal assistance due to capacity constraints and issue type limitations of civil legal aid providers and the availability of resources in the private bar for all matter types and in all counties across the state. As described in Stout's following recommendations, opportunities may exist to leverage the technology capabilities of MLH more fully as an initial point of entry. Leveraging MLH can enable a more efficient use of the limited resources of SBM LRS and CALL in situations where self-help resources are insufficient or where digital access and/or digital literacy prevents community members from accessing MLH.

Overview of Civil Legal Case Filings and Civil Legal Aid Capacity in Michigan

17. In 2020, there were more than 130,000 new civil case filings in Circuit Court, more than 360,000 in District Court, and more than 1,900 in Municipal Court and Probate Court in Michigan.[2] These civil case filings include but are not limited to filings related to a range of family issues (e.g., divorce, paternity, support), landlord-tenant disputes, small claims, and all general civil cases for money damages.

18. A 2021 study by the American Bar Association found there were approximately 4 lawyers per 1,000 Michigan residents.[3] In 2021 the Michigan State Bar Foundation estimated that approximately 322 full-time attorneys were employed by its grantees (i.e., civil legal aid organizations).[4] Civil legal aid organizations funded by the Legal Services Corporation provide services to residents with incomes at or below 125% of the federal poverty guidelines. An estimated 1.7 million Michigan residents have incomes at or below 125% of the federal poverty guidelines, which equates to an estimated 1 civil legal aid attorney per 5,400 Michigan residents eligible for civil legal services.[5] The significant difference is one demonstration of the severely limited capacity of civil legal aid organizations in Michigan.

19. Through its engagement with the primary point of entry organizations, Stout learned of additional capacity constraints. SBM LRS and CALL shared that they often experience challenges referring or assisting community members with certain types of legal issues, particularly in certain regions of the state. For example, SBM LRS may not have any attorneys participating in the lawyer referral service who handle consumer debt cases. Often in these situations, the only resources SBM LRS can share are MLH (if the community member has not already visited MLH) and the SBM LRS directory. There may also be instances of community members from rural areas of the state contacting CALL seeking

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[2] See https://www.courts.michigan.gov/4a5431/siteassets/reports/statistics/caseload/2020/statewide.pdf (excluding traffic violations).

[3] "Profile of the Legal Profession." American Bar Association. 2022.

[4] Grantee Annual Reports to Michigan State Bar Foundation.

[5] "2021 Access to Justice Campaign Report."

assistance with eviction who require full representation as the form of effective assistance, but there are no attorneys in their area specializing in landlord-tenant law. These capacity constraints (and others) were important for Stout to understand as it began its evaluation.

Section IV-Stout's Evaluation Process and Methodology

20. In March 2022, Stout began meeting bi-weekly with select members of the JFA Triage and Referral Working Group and two members of the JFA Executive Team (the subcommittee). The first several of these meetings focused on Stout learning who the primary stakeholders are in the Michigan intake and referral ecosystem, how the ecosystem functions, challenges experienced by different stakeholder groups (e.g., civil legal services providers, referral sources, community members with legal needs), and opportunities that may exist to improve the ecosystem. After Stout developed a broad understanding of the intake and referral ecosystem, Stout met individually with leadership of MLH, SBM LRS, and CALL to develop a deeper understanding of each organization's services, clients[6], processes, technology platforms, data collection, key performance indicators, challenges, and opportunities. Stout also met with Central Michigan 2-1-1, Michigan Indigent Defense Commission, and MiChildSupport, who often interact with community members with legal needs or organizations assisting them.

21. MLH and SBM LRS provided Stout with data exports which Stout analyzed to gain a quantitative understanding of call volume, referrals, assistance sought by clients, and from where in Michigan clients were coming. For example, Figure 4 shows the number of referrals SBM LRS made by county from October 1, 2021 through March 31, 2022, Figure 5 shows the number of interactions with MLH by county for calendar year 2021, and Figure 6 shows the number of cases opened by CALL by client county in 2021.
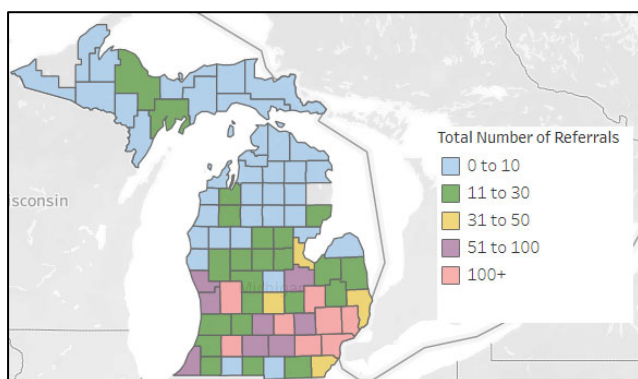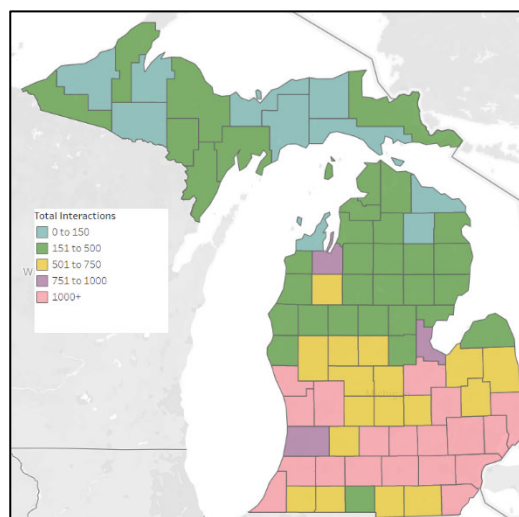

Figure 4

Figure 5

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[6] MLH does not have clients and does not form attorney-client relationships with any website visitors as its purpose is to provide legal information only. For purposes of this report, any reference to MLH clients should be interpreted as MLH website visitors/users.
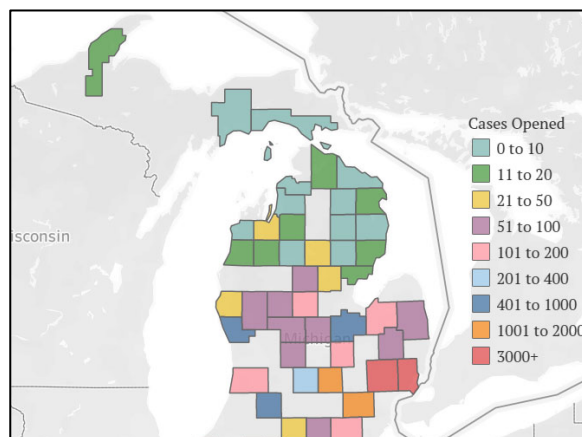
Figure 6

22. Additional examples of these analyses and data visualizations are in Appendix B (MLH) and Appendix C (SBM LRS). Following meetings with MLH, SBM LRS, and CALL leadership, Stout convened meetings with staff from each of these organizations. The purpose of these meetings was to learn about the experiences of the people who were directly interacting with community members seeking assistance from their organization. The staff shared the most common types of issues community members were facing, issues they are generally able to assist with or provide a referral for, and issues and geographies where there are gaps in service.

23. Throughout the evaluation, Stout met with the subcommittee to leverage their experience and expertise, ask questions, and share what Stout was learning through its analysis of the data exports and meetings with point of entry organization staff. These meetings also provided Stout and the subcommittee the opportunity to discuss potential evaluation techniques.

24. Stout's proposal contemplated an evaluation technique centered on observation. Stout would observe community members interacting with the ecosystem (preferably during their first interaction with the ecosystem) and develop a survey to gather feedback from the community members as to how effective the assistance they received was. Stout considered observing community members interacting with the ecosystem via a three-way call or a screenshare for live chat interactions. The subcommittee and Stout discussed the logistics for undertaking this evaluation technique and amid privacy, confidentiality, and privilege concerns, decided to explore an alternative evaluation technique.

Supplemental Evaluation Methodology – Mystery Calling

25. Instead of observing community members interacting with the ecosystem, the subcommittee recommended Stout consider conducting mystery calls to the point of entry organizations. Mystery calling is often used as a quality assurance technique whereby a person poses as a customer or user of a system to assess the user experience. Although

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mystery calling does not involve observation of actual system users, it does enable an evaluation of the effectiveness of the point of entry organizations' issue identification and referrals. Evaluating issue identification and referrals by the point of entry organizations is informed significantly by observing how staff at the point of entry organizations navigate issues presented by mystery callers.

26. The purpose of mystery calling was: (1) to experience the intake and referral ecosystem in Michigan firsthand; (2) to identify strengths, weaknesses, and opportunities for improvement at the moments of direct interaction with clients; and (3) to inform the development of key performance indicators, data collection recommendations, and iterative evaluation recommendations. Stout executed the following workplan for the mystery calling evaluation technique:

- Collaborated with the subcommittee and Working Group to create 10 distinct personas to be used by Stout's call center agents

    o Stout, the subcommittee, and the Working Group considered issue type, fact patterns, household demographics, employment status, urgency of issue, geography, and type of assistance the community member was seeking (e.g., locating and completing forms, legal information, representation). Having diverse personas enabled Stout to observe how the point of entry organizations responded to a range of needs. See Appendix D for the 10 personas.

- Developed scripts for each persona and data elements to be collected for each call

    o Stout sought assistance from the subcommittee in creating scripts for each persona. Subcommittee members from the point of entry organizations had intimate knowledge of the information sought from and questions asked of community members by their staff. The scripts included responses to common intake and referral ecosystem questions and were used to guide Stout's call center agents' conversations when conducting the mystery calling.

    o Stout also worked with the subcommittee to identify which structured data elements would be valuable to collect during the mystery calling. The primary data elements were objective factors that could be evaluated during the call such as whether the call was answered, a referral was made, clarifying questions were asked, essential information for the referral was provided, call duration, and call wait time. There were also qualitative factors Stout collected and measured through a scaled measurement. Stout reviewed the annual Michigan Supreme Court Public Satisfaction Survey to inform the development of qualitative factors to collect and

assess related to procedural justice. These qualitative factors included but were not limited to: ratings for whether and to what extent Stout's call center agents felt the point of entry organization representative understood and was empathetic toward their situation, how confident Stout's call center agents were that the assistance/information received would effectively resolve the persona's issue, and if next steps were clearly communicated.

- Leveraged Stout's call center agents to conduct the mystery calling

  o Stout operates an independent call center staffed by bilingual agents with extensive customer service experience. Stout trained its call center representatives on the personas and how to use the scripts for the mystery calls as well as how to collect the structured data elements developed by Stout and the subcommittee.

27. Stout used the 10 personas and scripts to attempt 39 mystery calls over 4 weeks to SBM LRS and CALL. This alternative evaluation methodology provided the opportunity for an independent third-party to experience navigating the Michigan ecosystem. Stout used the data collected during these mystery calls to inform its recommendations, particularly those related to addressing capacity constraints and identifying opportunities for training.

Comparison of MLH to other Legal Help Websites

28. As part of our evaluation, Stout reviewed 53 online resources similar to MLH – one for each state as well as Guam, the Virgin Islands, and Micronesia. Stout reviewed each website based on the presence of 15 features:

- Legal topic resources – common legal topics including, "Family," "House & Apartment," "Money & Debt" and "Personal Safety."

- Guided interviews – tools asking users a series of questions and the answers are used to populate legal forms or locate relevant resources.

- Self-help forms – forms available for a range of legal issues that a user can complete on their own.

- Access to legal clinics or lawyers – directs user to the addresses and phone numbers of legal clinics or lawyers.

- Applications for legal help – directs user through a series of questions to (1) determine their eligibility to receive free legal assistance, (2) provide advice from an attorney or paralegal or (3) referral to another legal service provider.

- Live chat – allows user to chat with staff and volunteers at the state legal assistance website who can direct them to the legal information they are looking for and, in some cases, provide legal advice.

- Automated chat or guide – allows user to chat with a robot or answer a series of automated questions on the state legal assistance website to direct them to the legal information they are looking for.

- Phone assistance – offers direct phone number of legal assistance website where users can speak with live agents.

- Information about the court system – offers insight into the workings of the state court along with providing advice for how individuals should prepare themselves for court.

- Multiple languages – allows user to translate the legal help website into multiple languages, such as Spanish, Mandarin, and Arabic.

- E-filing assistance – offers instructions on how to file court documents online if e-filing is available in the jurisdiction.

- Search bar feature – allows user to perform a keyword search, often to address a specific need.

- Engaging graphic design – features prominent, hover-over animation, which changes the color of the tab or box users have their mouse over and facilitates the search process.

- Topic based navigation – provides a drop-down tab for users, allowing user to differentiate between topics and subtopics.

- Quick exit feature – a feature created for a user experiencing intimate partner violence. Allows user to find help while having the ability to both exit the tab and switch it to an inconspicuous website.

29. Stout created a matrix of these website features and evaluated each of the 53 jurisdictions (see Appendix A). Michigan Legal Help and Montana Law Help had 13 of the 15 features – the most across all jurisdictions. The two features Michigan Legal Help did not have were: (1) phone assistance where a user could directly call the phone number of the legal assistance website and speak to a live agent and (2) a quick exit feature. Of the 53 websites evaluated, 11 had phone assistance and 24 had a quick exit feature. Michigan Legal Help is the only website offering assistance with e-filing and is 1 of 5 of the websites offering automated chat or guide functionality.

30. The Commission, point of entry organizations, supplemental systems, and periphery systems in Michigan's intake and referral ecosystem are well positioned to increase the likelihood that community members are learning about available resources and information related to their rights. The ecosystem in Michigan effectively makes information available, however, given capacity constraints at organizations across the state and gaps in service at the private bar for lawyer referral, there will likely still be too few resources to refer people to for assistance with their legal needs. These capacity constraints exist for a variety of reasons. While there is a civil legal aid organization providing services to community members in every county,[7] capacity at the organizations providing services in rural areas of Michigan, even relative to population size, is particularly limited. Similarly, private attorneys participating in the lawyer referral service may not cover all case types, or there may not be any private attorneys in a geographic area. Additionally, given the dwindling number of pandemic-related renter protections and availability of rental assistance, it is likely that capacity constraints will continue to exist as many jurisdictions are beginning to return to their pre-pandemic levels of eviction and foreclosure filings.

31. Community members may be assisted more efficiently and more effectively if they were to first use the variety of resources available at MLH, when possible. Stout learned from MLH, SBM LRS, and CALL that family law is one of the most frequent issue types for which community members are seeking assistance, and the assistance generally sought is with finding information about a legal problem and completing forms. According to data regarding interactions with MLH in calendar year 2021, approximately 53% of community members interacting with MLH were seeking information about a legal problem or court forms. Figure 7 shows the types of assistance sought by community members accessing MLH in calendar year 2021.

A Lawyer	Information about a Legal Problem	Court Forms	Not Sure
32.7%	27.3%	26.0%	14.1%

Figure 7

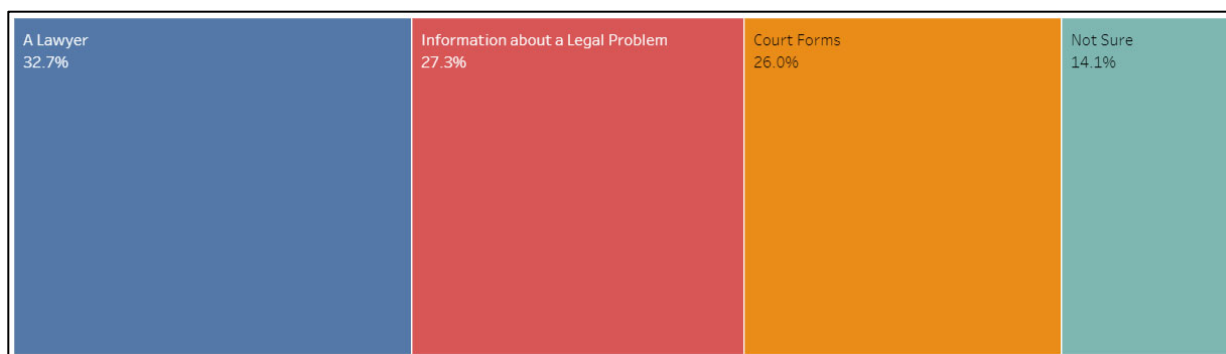[7] Civil legal aid services are provided in every county although not all counties have civil legal aid organization offices. There is a Legal Services Corporation- and Michigan State Bar Foundation-funded civil legal aid program covering the Upper Peninsula and the northern portion of the Lower Peninsula

32. Stout analyzed MLH data for calendar year 2021 and estimates that at least 35% of community members who interacted with MLH in 2021 indicated needing assistance with a type of family law matter (e.g., divorce, custody, paternity). Furthermore, Stout's analysis of MLH data showed the legal needs of community members does not change materially based on whether or not they are income-eligible for civil legal aid assistance. That is, community members with household incomes of more than 125% of the federal poverty guidelines have similar legal needs of those with household incomes of 125% or less than the federal poverty guidelines. Figure 8 shows the percentage of people interacting with MLH in calendar year 2021 by whether or not they are income-eligible for civil legal aid assistance. The blue bars are the percentage of people who interacted with MLH but were not eligible for civil legal aid assistance, and the orange bars are the percentage of people who were eligible (by month).
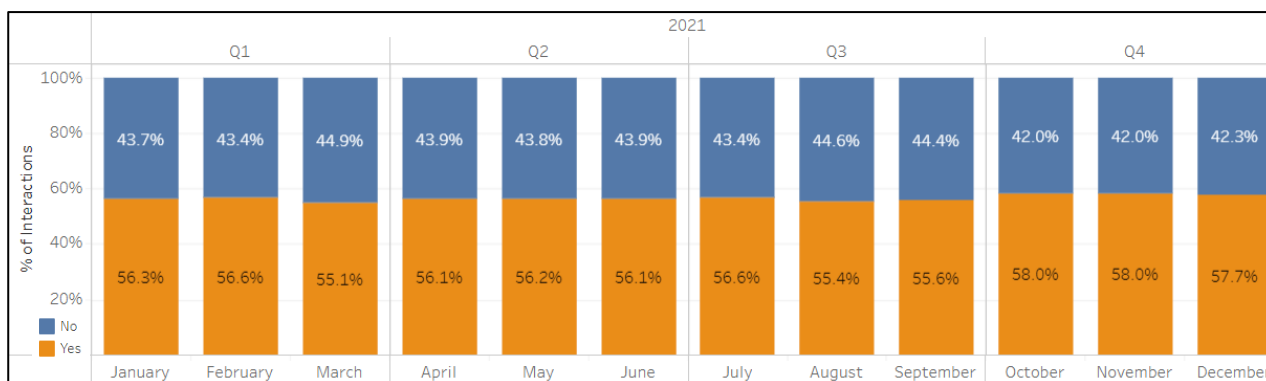
Figure 8

33. This observation emphasizes not only the importance of MLH and the Guide's ability to provide information and resources for use by community members regardless of household income but also the need to expand eligibility requirements or create programs for people with legal needs but who currently have household incomes that make them ineligible for civil legal aid assistance. Directing community members to MLH first could ease capacity constraints at point of entry organizations, allowing them to focus on community members who are seeking a person-to-person interaction or who need more intensive assistance. Another example of effectively directing community members to more helpful resources is SBM LRS's automated message indicating callers who need assistance with eviction should contact CALL or visit MLH for further assistance. Stout observed this feature during its mystery calling.

34. Staff at MLH shared that they sometimes receive live chat requests for a phone number that community members can call to speak with someone. Staff at SBM LRS and CALL indicated community members who contact them sometimes indicate they were not able to navigate MLH (often because of literacy challenges – digital and otherwise – or access to technology). For community members expressing this need, SBM LRS and CALL may be

the most appropriate points of entry. Self-help centers can also be useful for people needing to use technology but lacking skills, tools, or consistent access to the internet. The JFA Self-Help Center Working Group has been strategizing to improve and expand self-help centers across the state.

35. While the resources available across Michigan are vast, Stout did not observe a coordinated, strategic effort to inform community members about the point of entry organizations or other community resources. Through its work in other jurisdictions and assisting New York with the implementation of its Justice for All strategic action plan, Stout learned the importance of creating a pervasive sense of awareness about community resources among community members. Point of entry organizations, the courts, non-profits, community-based organizations and activists, the school and library systems, and places of worship are often viewed as trusted, legitimate messengers by community members. Figure 9 shows how community members who completed SBM LRS's follow up survey indicated they learned about SBM LRS for the period January 1, 2022 through March 31, 2022.
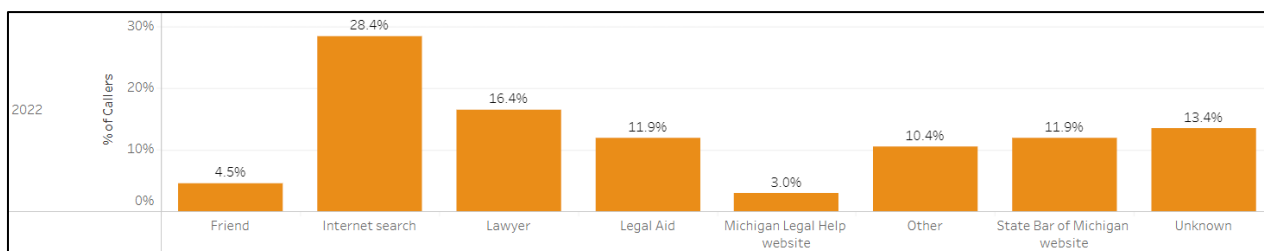
Figure 9

36. The relatively low percentage of community members indicating they learned about SBM LRS through a friend, Legal Aid, and MLH highlights an opportunity to create a strategic communication/outreach plan. In Stout's experience, effective communication/outreach plans have both a statewide component with consistent messaging applicable to all community members across the state and a local component with customized messaging applicable to community members in certain areas who may be experiencing different issues or who require different communication strategies. For example, communication/outreach strategies will likely differ between the Upper Peninsula and metro Detroit. Developing a strategic communication/outreach plan requires considering capacity at civil legal aid organizations and gaps in service in the private bar. To account for these constraints, analyzing metrics related to capacity and gaps in service will inform the type, frequency, and scaling (or curtailing when and where constraints exist) of communications/outreach and may also inform the delivery of virtual services when in-person resource constraints are particularly acute.

37. Stout learned through its interviews with the point of entry organizations that there is a breadth of data available across the ecosystem. MLH collects information via Google

Analytics for visits to its website and seeks feedback from community members through a 10-question survey. SBM LRS collects data related to call volume, wait times, referral types, and issue types, which can be viewed at the county-level. SBM LRS also collects feedback from community members through a survey automatically generated 2 weeks after referral. CALL collects similar data to SBM LRS through its case management system and is working with MLH to create a follow-up texting survey. Stout learned CALL and several other civil legal aid organizations have recently transitioned to a new, more flexible case management platform. Stout understands this case management platform is built on Salesforce – a platform used by a variety of non-profit organizations. The transition to this new platform provides the opportunity to consider collecting a set of common data fields across different point of entry organizations to collaborate to develop a common set of data definitions/data taxonomy. Collecting and defining data similarly can assist with data analysis and interpretation when trying to combine datasets from different organizations.

38. However, a mechanism for sharing (and analyzing) data between organizations and across the ecosystem does not currently exist, particularly how frequently organizations are making referrals to one another and for what issue types and what issue types they consistently struggle to make referrals for – either to a civil legal aid organization or within the private bar. Data from other organizations and the courts also appears to be underutilized. For example, data collected by 2-1-1 related to requests for assistance by topic area by county could provide insights on community needs, as could the underlying data Michigan Courts uses for its Caseload Reports. Data from the point of entry organizations, 2-1-1, MiChildSupport, and the courts could create a robust view of the ecosystem and serve as the basis for continued, sustainable ecosystem evaluation.

39. While the point of entry organizations send follow-up surveys to community members seeking feedback, this is the only point at which feedback is sought, which is generally at the end of their interaction with the ecosystem. One of the most critical components to iterative change and evaluation is continually seeking feedback at different nodes of interaction. Only seeking feedback at the end of the process is helpful, but it may not be as informative as asking for feedback at different points of interaction. Seeking feedback from community members interacting with the ecosystem at different points and during different processes (e.g., locating forms and navigating websites, finding phone numbers and experiences with calling resources, issues with leaving voicemails and receiving timely callbacks, experiences with private attorneys through lawyer referral services, interacting with courts clerks, using self-help centers, completing e-filing) will be instructive for understanding where challenges and barriers exist for clients at various points in the process of trying to find legal resources and within the ecosystem.

40. These observations – fully utilizing MLH's capabilities and resource; easing capacity constraints and addressing gaps in service; sharing, analyzing, and visualizing data from the network of intake and referral organizations and other community resources; and

gathering feedback at different nodes of interaction to inform iterative, sustained evaluation – are the basis for Stout's recommendations.

Section V-Recommendations

41. Stout's recommendations will require significant coordination and collaboration among the Commission, primary point of entry organizations, supplemental systems (e.g., 2-1-1 of Central Michigan, providers of indigent defense services, and MiChildSupport), and periphery systems (e.g., the courts, self-help centers, and other community resources). The recommendations contemplate the Commission as the governance structure for guiding implementation. However, stakeholders involved in the implementation process may decide that an alternative governance structure should be used.

Recommendation 1: Leverage Michigan Legal Help as the Primary Point of Entry, When Possible

42. The Commission should act to leverage MLH as the primary point of entry for people with civil legal needs and low- to moderate-incomes across Michigan, when possible. MLH's Guide to Legal Help (the Guide) is well positioned to be the initial resource used by people seeking legal information, forms, toolkits, and referrals to legal services for the first time. Stout learned through its interviews with staff at SBM LRS and CALL and its mystery calling that these point of entry organizations frequently refer community members to MLH. Additionally, Stout learned through its mystery calling that when SBM LRS and CALL referred the mystery callers to MLH, the mystery callers were overwhelmingly "somewhat confident" and "fairly confident" the referral to MLH would effectively resolve their issue. Having MLH as the primary point of entry, when possible, may also ease some of the capacity constraints and fill gaps in service described by SBM LRS and CALL and observed through Stout's mystery calling.

43. Stout also recognizes there may be local processes and preferences for how residents interact with Michigan's intake and referring ecosystem, including the primary point of entry organizations. MLH can be used as the primary point of entry and a resource for residents who have the technology skills to navigate MLH and who are seeking legal information and referrals for further assistance.

44. The Commission, in partnership with MLH, could develop a statewide communication strategy centered on MLH being the first resource people should use when they have legal needs. However, an important consideration is bridging the digital divide. Community members seeking assistance must still have the opportunity to contact other point of entry organizations via phone, especially for people with limited digital access or digital literacy. A statewide strategy leveraging MLH as the primary point of entry will require coordination and engagement among a variety of stakeholder groups including, but not limited to:

- Courts – When pro se tenants are being notified of a civil legal action against them or appear at the court to file an answer or attend their hearing, the court could refer them to MLH for legal information, forms, toolkits, and referrals to legal

services.[8] To fully leverage MLH as the primary point of entry, engaging with and educating the courts about the availability of MLH will be essential. Furthermore, there may be an opportunity to discuss with the courts the feasibility of including information about available resources with documents the courts are sending to defendants (or requiring others to send to defendants). In its first ever strategic agenda, the Michigan Judicial Council detailed strategies for making improvements to the court user's experience, specifically through "enhancing/expanding educational and other resources (e.g., information, technology, personal assistance) available to court users so they are able to access and conduct business successfully with courts in-person and virtually" and "implement regulatory and other policy changes that will allow for an expansion of legal and non-legal assistance to court users."[9] These strategies communicated by the Michigan Judicial Council align with Stout's recommendation to engage the courts on referring court users to MLH for legal information, forms, toolkits, and referrals to legal services and leveraging self-help centers when court users need assistance accessing technology.

- Trusted community organizations and stakeholders – Community members (with and without legal needs) often seek assistance from trusted community organizations and stakeholders such as 2-1-1, non-profits, local civic organizations, their child(ren)'s school, rental assistance providers, faith communities, the public libraries, health care community, and local government officials/agencies. Training these community organizations (possibly through engagement with statewide associations or groups like Michigan Non-profit Association and Michigan United Way) and stakeholders to refer their constituents to MLH as well as how to use MLH to assist their constituents directly can leverage MLH as the primary point of entry. Community organizations and stakeholders should also have materials detailing how to access MLH and how MLH can assist with legal issues.

- Plaintiffs – Plaintiffs should be encouraged to share MLH as a resource for actual or potential defendants in matters they have brought or are considering. Plaintiffs and/or plaintiff counsel could be engaged around certain matter types, including through bar associations (e.g., the family law bar, consumer debt bar, eviction/landlord-tenant bar). This engagement could include conversations with bar members about opportunities to provide information about available resources in notices or other documents they are sending defendants. Sending

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[8] See the Michigan landlord-tenant summons as an example of where MLH is included: https://www.courts.michigan.gov/siteassets/forms/scao-approved/dc104.pdfv
[9] "2022-2025 Strategic Agenda: Planning for the Future of the Michigan Judicial System." Michigan Judicial Council. April 13, 2022.

information to defendants about available resources can be particularly impactful when done as early as possible in the civil case process. For case types with notice period requirements, plaintiffs can be a critical resource connection point for defendants since the courts are typically not aware of notices until after the case is filed.

45. As this recommendation is implemented, it will be important to consider how people in crisis may seek assistance. Stout learned from the Working Group that many residents will submit applications for assistance at multiple organizations or contact several organizations at the same time. There may be ways to create targeted, customized messaging pointing people who are experiencing different circumstances to MLH as the primary point of entry and describing how this can be the first resource (but not necessarily the only resource) they use before seeking assistance from other organizations, when possible. While there will always be people who seek assistance from multiple organizations at once, this could assist with minimizing the frequency with which it happens. Engaging the courts, trusted community organizations and stakeholders, and plaintiffs involves person-to-person interactions and assistance. There is also an opportunity to identify places in communities where self-help centers (staffed or unstaffed) could be established or expanded upon, as there are currently 26 self-help centers throughout the state.[10] The self-help centers would create an important access point to MLH where there may be fewer or no resources compared to other communities across the state or in communities where the digital divide is particularly acute.

Recommendation 2: Incorporate into MLH an Automated Chat Feature

46. While the MLH Guide assists community members in navigating to the resources they are seeking, there may be an opportunity to incorporate an automated chat feature into MLH. Stout learned from its interviews with MLH staff that community members may experience literacy challenges, difficulty with knowing how to answer certain questions within the Guide, or struggle to navigate MLH generally. Having automated chat functionality (sometimes referred to as a "bot") could improve the experience of community members interacting with MLH. For example, Miami-Dade courts recently incorporated an artificial intelligence-based digital navigation assistant into their website.[11] The online chat window also has text-to-speech and voice command technologies, giving community members the option to verbally ask questions rather than typing – functionality for MLH to consider.

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[10] See https://michiganlegalhelp.org/organizations-courts/self-help-centers for details.
[11] "Miami-Dade Courts Now Offer Website Navigation Help via Online Chat with Digital Assistance SANDI." Eleventh Judicial Circuit of Florida. July 25, 2022.

Recommendation 3: Invest in a Data Visualization Platform, Create Automated Reporting to Monitor Use of MLH, SBM LRS, and CALL, and Incorporate Additional Data Sources

47. Considering the variety of new and existing data sources that could be analyzed to inform iterative improvement and evaluation of Michigan's intake and referring ecosystem, it would be prudent for the Commission to invest in a data visualization platform. Stout learned there are several sources of data (internal to the point of entry organizations and external through other stakeholders) that if brought together and analyzed, could create a robust picture of Michigan's intake and referral ecosystem. During its interviews with point of entry organizations and other stakeholders, Stout became aware of several data sets internal to MLH, SBM LRS, CALL, and 2-1-1 for each interaction a community member has with the organization as well as client follow-up surveys. The data visualization platform would bring together these datasets, court-user surveys (including the annual Michigan Supreme Court Public Satisfaction Survey), data from the courts[12], and data from other stakeholders like Michigan Indigent Defense Commission grantees and MiChildSupport. Having common data elements collected across these providers/resources and creating user-friendly visualizations enables data-driven stakeholder collaboration and continued ecosystem evaluation.

48. The data visualization platform would include charts, graphs, maps, and tables to aid in identifying trends, patterns, and areas for further exploration or inquiry. Stout has experienced firsthand how transformative a data visualization platform can be for organizations and stakeholder groups endeavoring to understand complex systems and topics, particularly for large scale issues like measuring the justice gap and iteratively improving ecosystems. Each organization contributing data to the data visualization platform would be able to access their data and non-personally identifiable information aggregated at the county-level, for example, and should create a process for regularly reviewing the visualizations. The Commission should create a cadence for requesting data from the organizations (e.g., monthly, quarterly) and review the data visualization platform at each of its meetings to identify patterns and trends across issue types, geographies, and community member characteristics (e.g., age, household size, household income, type of assistance sought). As the Commission reviews the data visualization platform, it will be able to ask better questions and develop statewide solutions for ecosystem-wide challenges and bespoke solutions for localized issues.

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[12] The 2022-2025 Strategic Agenda: Planning for the Future of the Michigan Judicial System describes the need for uniform data collection throughout Michigan courts. The document further states, "a unified technology system and infrastructure will better position the Judicial Branch for integration with other justice system stakeholders." As the court begins to develop uniform data collection practices and policies, there may be an opportunity to collaborate to incorporate new or different data elements that would inform the continued evaluation of Michigan's intake and referral ecosystem.

49. As MLH becomes more widely used as the primary point of entry (when possible), monitoring a variety of data points will be important. Automated data visualizations specific to MLH could include analyses and data to identify:

   - Counties with high and low usage of MLH relative to the number of civil case filings in the county

   - Variations in use and adoption by matter type and county over time

   - Forms of assistance community members are seeking by county over time

   - Frequency with which community members are seeking assistance from SBM LRS or CALL after interacting with MLH

        o Integrating reporting and data taxonomies across MLH, SBM LRS, and CALL would create the opportunity for comparative metrics across the three organizations.

   - Alternative pathways for community members with digital access or digital literacy challenges.

50. In addition to MLH's current key performance indicators (e.g., number of visits, type of assistance sought, types of legal problems), these analyses will enable both a deeper and broader understanding of how Michigan residents with legal issues are seeking assistance.

Recommendation 4: Assess Normalized CALL and SBM LRS Call Volume and Operational Needs After Effective Leveraging of MLH to Maximize the Value of Referrals to CALL and SBM LRS

51. As previously mentioned, Stout learned that CALL and SBM LRS often refer community members to MLH. After MLH is more widely used as the primary point of entry, CALL and SBM LRS may experience a decrease in the number of calls they receive. However, this is an opportunity to maximize the value of referrals to CALL and SBM LRS and the referrals that they provide community members. As more community members use MLH as the primary point of entry, it is possible they find the resources they are seeking through MLH and do not need to seek assistance from CALL or SBM LRS. When community members seek assistance from CALL or SBM LRS after using MLH (typically through a referral by MLH), CALL and SBM LRS's limited resources can be better deployed. Community members would be contacting CALL and SBM LRS for assistance after interacting with MLH, and CALL and SBM LRS would also continue referring community members to MLH. The referrals from CALL and SBM LRS to MLH could occur at the first touchpoint they have with community members. For example, when someone calls CALL or SBM LRS, they could hear an initial recording that suggests they seek assistance from MLH first and if they already have but need further assistance, they can be connected to a live person.

52. Even as CALL and SBM LRS maximize the value of their limited resources by leveraging MLH as the primary point of entry, CALL and SBM LRS could consider adding attorney/call representative staff. The additional staff could help to minimize call wait times and/or increase the likelihood that when a community member calls CALL or SBM LRS they will speak with a live representative. During Stout's mystery calling approximately 89% of calls to CALL and 70% of calls to SBM LRS required the mystery caller to leave a voicemail and wait for a callback. In addition to attorney/call representative staff, CALL and SBM LRS could consider adding staff who can further assist with analyzing and visualizing data, assessing internal and external capacity, and evaluating the effectiveness of referrals by issue type by county. Each of these internal operational activities is connected and serves to create a deeper understanding of CALL and SBM LRS's data, clients, referral sources (referrals to CALL and SBM LRS and referrals from CALL and SBM LRS to attorneys or other legal aid programs), and gaps in service areas (geographic and issue). These internal operational activities will iteratively refine CALL and SBM LRS's operations and highlight how to maximize the use of their limited resources. For example, by analyzing and visualizing data, CALL and SBM LRS can identify issues and capacity gaps for each county quarterly. This information would be shared with MLH to ensure effective referrals and could be included in the data visualization platform (discussed in Recommendation 3) to demonstrate the need for further investment and/or stakeholder engagement.

53. Complementary to the internal operational activities, CALL and SBM LRS should consider external facing activities like requiring monthly or quarterly capacity confirmation from all attorneys and non-profits/community resources to whom they refer clients (and collecting this data in a structured format to enable ongoing analyses of capacity), following up with all referred clients to ensure connection to the referral made, and using live, person-to-person warm transfers for referrals when possible. Following up with all referred clients to ensure connection to the referral made would be performed separately from client satisfaction follow up surveys and could be conducted via text message, phone call, or e-mail. Stout recognizes that live, person-to-person warm transfers may require more time per call. However, the intention of Stout's recommendations, in aggregate, is to reduce call volume and maximize the value and impact of each call.

Recommendation 5: Create and Deploy Common Client Follow-up and Court-based User Surveys

54. An evaluation of Michigan's intake and referral ecosystem should consider the feedback of users – those who interacted with MLH, SBM LRS, CALL and those who appeared pro se – and stakeholders about their experiences. To gather this valuable feedback, the Commission should develop a survey tool to solicit feedback from residents who interacted with MLH, SBM LRS, and CALL (and other point of entry organizations) and a separate survey tool to solicit feedback from court users who appeared pro se. Stout learned SBM LRS and 2-1-1 conduct client follow-up surveys, MLH has a 10-question survey on its website, and CALL is working with MLH to develop a client follow-up survey. Given the

interest in collecting feedback, there is an opportunity to create common questions across follow-up surveys to assess differences across organizations and highlight opportunities for ecosystem improvement.

55. The survey tool for those who interacted with MLH, SBM LRS, CALL, and other point of entry organizations could include questions about how they found out about the point of entry organization, how their experience was calling/interacting with the point of entry organization's website, what recommendations they have on how service could be improved, and if they were confident the assistance/information received assisted them in effectively resolving their issue. The survey tool for those who appeared pro se could include questions about whether they were aware of MLH, SBM LRS, CALL, and other point of entry organizations and if they attempted to connect with them, how awareness of available resources could be better communicated, and how confident they were about navigating their legal issue without advice or representation from an attorney. It may be beneficial to work with the courts to deploy this survey in conjunction with the annual Michigan Supreme Court Public Satisfaction Survey or other activities undertaken by the court to solicit feedback from court users, as described in its 2022-2025 Strategic Agenda and 2022-2023 Operational Plan. Additionally, there may be an opportunity to collect feedback from judges, magistrates, and clerks regarding their views on the experiences of pro se court users.

56. Survey responses should be analyzed, shared across the point of entry organizations, used to provide important context to the quantitative data visualization platform, and considered when planning and executing enhancements to the ecosystem.

Recommendation 6: Develop a Framework for Continued, Sustainable Ecosystem Evaluation

57. An essential element of Stout's evaluation engagement was recommending how the intake and referral ecosystem could be continuously evaluated and improved. Stout learned that Michigan's ecosystem is built on a foundation of engaged point of entry organizations, robust tools and resources for community members, and internal and external datasets that can be analyzed and acted upon. The framework for iterative evaluation centers on creating systems and processes for continuous collaboration, data analysis, and client feedback. The Commission should:

   • Convene periodic (quarterly, semi-annual, or annual) statewide stakeholder meetings to review the intake and referral processes, periodic reports, data visualizations, and data analyses, and results from client and court user surveys. In Stout's experience, inviting a breadth of stakeholder groups to statewide convenings is critical to developing widescale collaboration and awareness of resources. Stakeholders invited to the periodic statewide convenings should include primary and second point of entry organizations, the courts, 2-1-1, non-

profits, community-based organizations and organizers, larger employers, representatives from the public education system, government agencies, the health care and faith communities, and the libraries. Inviting the courts to periodic convenings aligns with two initiatives described in their 2022-2025 Strategic Agenda whereby the courts are seeking to "establish methods for collaborating and providing needed services (e.g., housing, education, mental health, substance abuse and addition, rehabilitation) across justice and social service systems" and "collaborate with partners to expand the availability of justice and community resources across the state, particularly in rural areas."[13]

- Develop a quantitative measure of the "justice gap" in Michigan. The approach to measuring the justice gap in Michigan should consider the number of civil legal filings statewide and internal data collected by MLH, SBM LRS, and CALL (including the quarterly capacity verifications). This combination of data presents an opportunity to conduct an innovative analysis that includes a measure of people receiving effective assistance (i.e., not legal representation) from MLH – a particularly challenging population to understand. The Commission could also consider requesting data from 2-1-1 and other civil legal aid organizations throughout Michigan to incorporate into its measurement of the justice gap. The purpose of measuring the justice gap is to understand more fully the number of people who need assistance, what form of assistance they need, whether that form of assistance is available, and whether they know about available resources. Figure 10 illustrates the Michigan intake and referral ecosystem leveraging MLH as the primary point and could inform the measurement of the justice gap in Michigan.

  o Figure 10 begins with Michigan residents experiencing circumstances that may involve legal issues for which they are seeking assistance. Residents may seek assistance with their legal issues from CALL or SBM LRS, other community points of entry, the courts, 2-1-1, MLH, or a combination of these points of entry. When residents seek initial assistance from a point of entry organization that is not MLH, those point of entry organizations should refer the resident to MLH as the primary point of entry, when possible. There may be residents who contact a point of entry organization other than MLH initially and that point of entry organization effectively refers them to a resource (see dotted line from CALL/SBM LRS to Effectively Referred to Legal Aid or Private Atty).

  o When a resident is referred to MLH, there will likely be 1 of 3 outcomes: the resident is referred to CALL/SBM LRS, they received effective assistance

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[13] 2022-2025 Strategic Agenda: Planning for the Future of the Michigan Judicial System." Michigan Judicial Council. April 13, 2022.

through MLH (e.g., located the legal information they were seeking, located and completed a form, used the Guide to find a community resource), or they did not receive effective assistance through MLH. Residents who are referred to CALL/SBM LRS from MLH will either be effectively referred to legal aid or a private attorney, or CALL/SBM LRS will not be able to effectively assist them.

o Residents who do not receive effective assistance from the organizations within the ecosystem likely do not receive effective assistance because of insufficient capacity at the organizations or lack of resources within the ecosystem.

o The number of these residents, where they are located, the legal issue types they experience, and the assistance that would have been effective for them inform not only the measurement of the justice gap in Michigan but also strategies to reduce it.

o A preliminary quantitative measurement of the justice gap in Michigan could be based on data from each of the stakeholders described in Figure 10. The Commission could oversee a coordinated effort to collect data from the stakeholders related to call volume, visits to MLH/the Guide, results from client surveys, the number of civil legal matters filed (by type by county by party representation), and referrals made. In combination, these data sets, when analyzed and visualized, would be the basis for an initial directional estimate of the justice gap in Michigan. It is important to appreciate that the measurement of the justice gap in Michigan will always require review and refinement. However, it can be impactful and informative to develop a reasonable estimate based on the best available data at the time of quantification. Over time, the Commission and stakeholders should collaborate to collect new or different data elements (or consider rephrasing or structuring current data elements) to continually refinement the justice gap measurement.
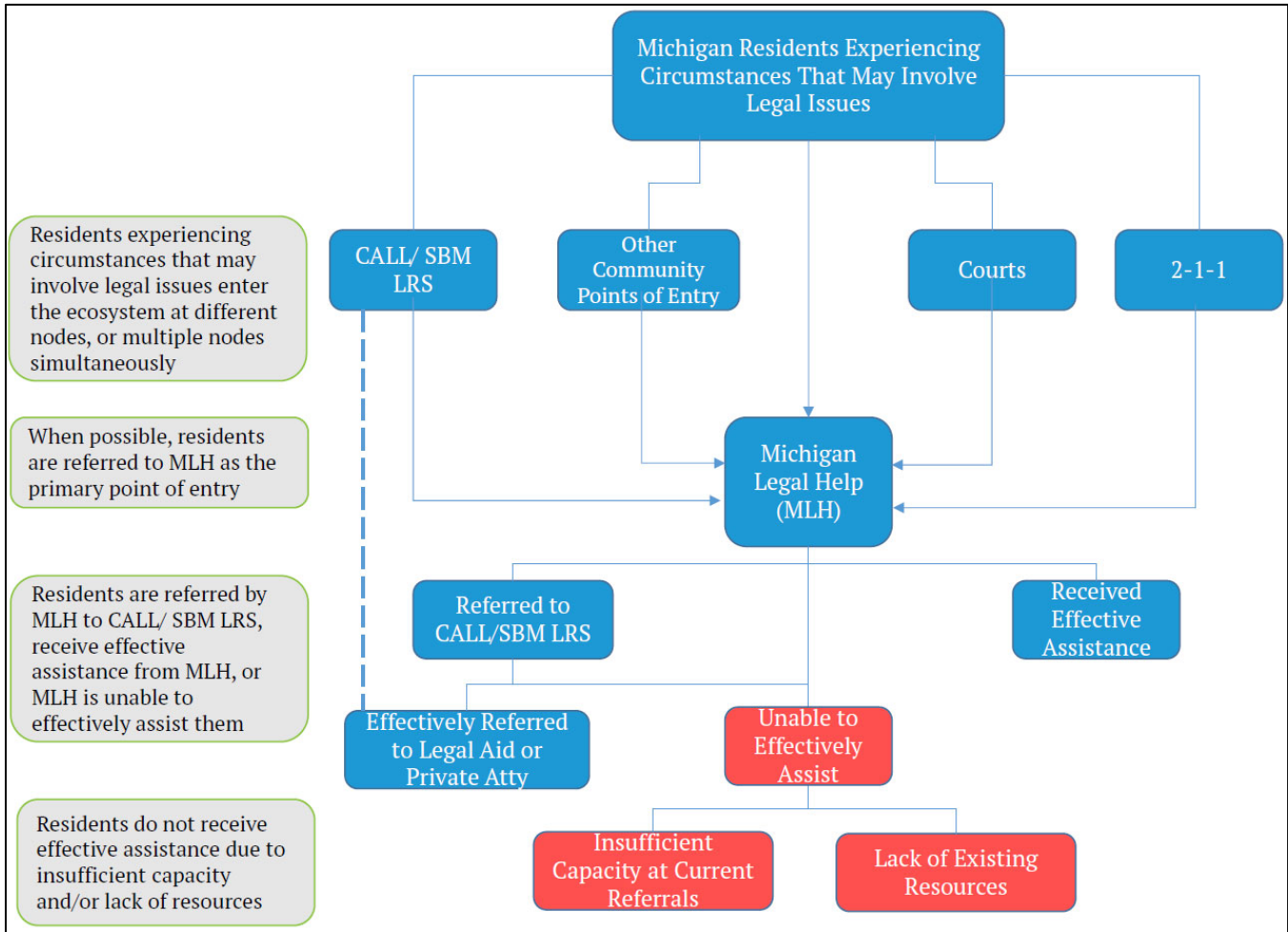
Figure 10

- Identify the ecosystem constraints and what strategies could be deployed by county to reduce the justice gap. Using the quantitative measure of the justice gap in Michigan and the variety of data sets being collected and analyzed, the Commission can identify ecosystem constraints such as geographic and issue type gaps in service, extensive wait times, the need for additional online or plain language forms, and challenges related to the digital divide. Once the constraints are identified, the Commission and relevant stakeholders across the state should iteratively implement strategies aimed at minimizing ecosystem constraints and reducing the justice gap through identifying priorities and following a cycle of implementation, analyzing and reporting, evaluating, and developing new strategies/recommendations. This process for iterative evaluation is shown in Figure 11.
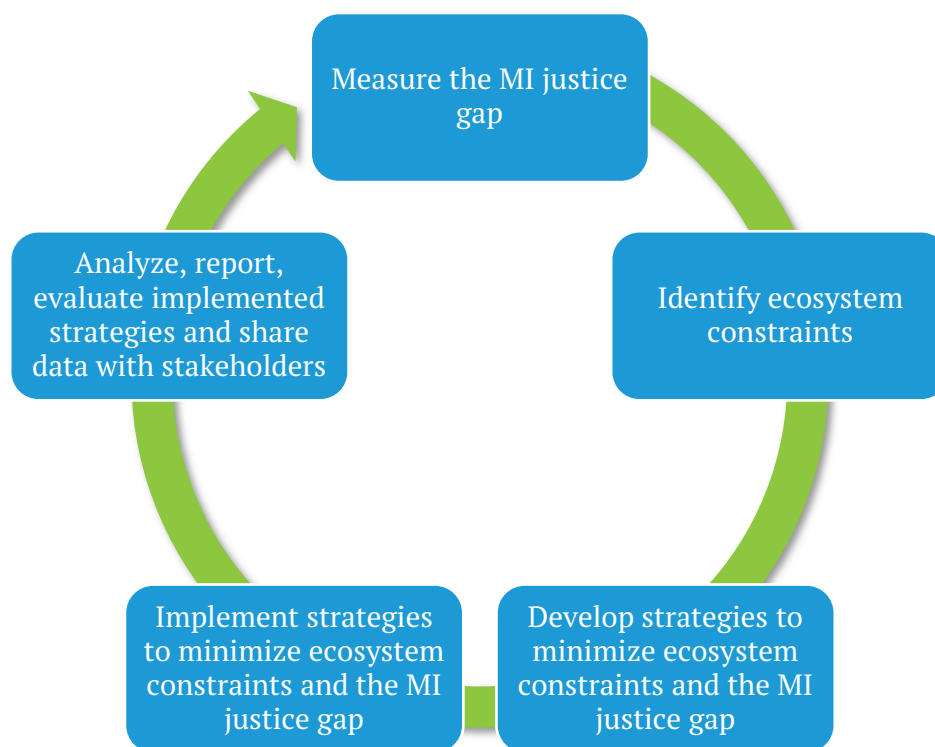
Figure 11

58. The Commission could also consider how to integrate metrics/findings from the annual Michigan Supreme Court Public Satisfaction Survey for each county. The survey would provide not only the opportunity to incorporate important procedural justice elements into the Commission's continued evaluation framework but also to collaborate with the courts (statewide and by county). As a mechanism for continued engagement, the Commission could consider sharing aggregated reports and data at the county-level with the courts. As described previously, maintaining and expanding engagement across a breadth of

stakeholders will be crucial to creating and sustaining the feedback loop required for iterative ecosystem change.

Recommendation 7: Gather Feedback from Community Members at Each Node of Interaction with the Ecosystem

59. Stout's mystery calling underscored the importance of understanding users' experiences when interacting with the ecosystem at various nodes. In addition to collecting feedback from community members through follow-up surveys, it can be instructive to gather feedback at each node of interaction with the ecosystem to identify areas for improvement. The nodes of interaction considered should be expansive. For example, the feedback mechanism used should seek to understand challenges community members may have experienced:

- Trying to locate a phone number to speak to a live person

- Navigating or accessing online resources

- Locating and completing online applications for assistance

- Issues with leaving voicemails or not receiving timely callbacks by the point of entry organizations or private attorneys they were referred to

- Issues with language barriers, literacy, digital literacy, and access to technology

- Using self-help centers (staffed and unstaffed)

- Interacting with court staff and/or staff at point of entry organizations.

60. This process may highlight areas where additional training could be helpful. An element of Stout's mystery calling was aimed at assessing staff's interpersonal skills. Stout's mystery callers were asked to answer the following questions related specifically to their interaction with staff:

- Did the person you spoke with communicate what they next steps were?

- Did you understand what you needed to do next?

- How would you rate the time and care the person took to fully understand your circumstances?

- How would you rate the empathy the call respondent displayed for your circumstances?

61. Results from this analysis indicated staff are clearly communicating, and there may be opportunities to provide additional training focused on spending time with the community member to understand and empathize with their circumstances. For example, Stout's mystery callers indicated they did not feel the call representative spent adequate time with them to understand their issues or concerns. Stout's mystery callers rated the time and care the call representative took to fully understand their circumstances on a scale of 1 (not at all good) to 5 (very good). The average rating was 2.5 – between 2 (not good) and 3 (okay). While the relatively low rating may be a function of high call volumes (i.e., more calls could equate to spending less time with community members), developing additional training and reinforcing the importance of taking time to fully understand community members' circumstances and displaying empathy throughout the phone call could improve the user experience. As call volumes normalize and MLH is fully leveraged as the primary point of entry, call representatives may find they have more time to spend with community members maximizing the value of the call for the community member and the point of entry organization.

62. The strategy for collecting feedback at each interaction node should include quantitative and qualitative data elements to be gathered for each interaction. This data should be collected in a format that enables it to be added to the data visualization platform, analyzed to inform the continued evaluation of the ecosystem, and shared with relevant stakeholders at periodic convenings.

Intersections with Michigan Judicial Council Strategies

63. In April 2021, the Michigan Supreme Court created the Michigan Judicial Council "to establish a strategic planning process and strategic agenda for Michigan's judicial system."[14] The Michigan Judicial Council authored three documents as a result of the strategic planning process: Michigan Judicial Council Strategic Agenda, Michigan Judicial Council Operational Plan, and Michigan Judicial Council Plan At-A-Glance. The Michigan Council Strategic Agenda shares the long-term vision of the judiciary for the next three years (2022-2025). The Michigan Judicial Council Operational Plan details the strategic initiatives and goals the judiciary would like to achieve in the next year, and the Michigan Judicial Council Plan At-A-Glance is a one-page summary of the operational plan.Stout reviewed these three documents and found consistency and alignment between several of its recommendations and strategic initiatives/goals detailed by the Michigan Judicial Council. These aligned strategic initiatives/goals include:

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[14] 2022-2025 Strategic Agenda: Planning for the Future of the Michigan Judicial System." Michigan Judicial Council. April 13, 2022.

- "Enhance/expand educational and other resources (e.g., information, technology, personal assistance) available to court users so they are able to access and conduct business successfully with courts in-person and virtually."[15]

- "Improve websites and enhance dissemination of information using a variety of media and platforms to reach all court users."[16]

- "Implement regulatory and other policy changes that will allow for an expansion of legal and non-legal assistance to court users (all types of cases)."[17]

- "Ensure courts across the state have access to a wide range of services and programs that meet the needs of court users."[18]

- "Establish methods for collaborating and providing needed services (e.g., housing, education, mental health, substance abuse and addiction, rehabilitation) across justice and social service systems."[19]

- "Collaborate with partners to expand the availability of justice and community resources across the state, particularly in rural areas."[20]

- "Continually solicit and listen to public/court user feedback."[21]

64. The Michigan Judicial Council's development of the first-ever strategic agenda for the judicial branch presents a unique opportunity to collaborate with the courts. Recognizing the importance of the courts as a stakeholder, the Commission should consider how best to involve the courts in an iterative evaluation of the Michigan triage and referral ecosystem as well as how to leverage it as a mechanism for data collection and community outreach.

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[15] Ibid.
[16] Ibid.
[17] Ibid.
[18] Ibid.
[19] Ibid.
[20] Ibid.
[21] Ibid.

Section VI - Conclusion

65. Stout's evaluation found that the ecosystem for intake and referral in Michigan has a variety of resources for community members with legal issues, engaged point of entry organizations and private bar members, but also issue type and geographic gaps in service. Through its conversations with stakeholders within the ecosystem and interactions with the point of entry organizations through mystery calling, Stout developed 7 recommendations for the Commission's consideration:

- #1: Leverage Michigan Legal Help as the Primary Point of Entry, When Possible

- #2: Incorporate into MLH an Automated Chat Feature

- #3: Invest in a Data Visualization Platform, Create Automated Reporting to Monitor Use of MLH, SBM LRS, and CALL, and Incorporate Additional Data Sources

- #4: Assess Normalized CALL and SBM LRS Call Volume and Operational Needs After Effective Leveraging of MLH to Maximize the Value of Referrals to CALL and SBM LRS

- #5: Create and Deploy Common Client Follow-up and Court-based User Surveys

- #6: Develop a Framework for Continued, Sustainable Ecosystem Evaluation

- #7 Gather Feedback from Community Members at Each Node of Interaction with the Ecosystem

66. In combination, these recommendations serve to leverage MLH as the primary point of entry organization, when possible, for community member with legal issues, deploy SBM LRS and CALL's valuable limited resources to their highest and best use, seek feedback from users of the ecosystem, and create a framework for iterative evaluation through stakeholder collaboration and sharing of data.

Assumptions and Limited Conditions

67. Stout's conclusions are based on information received to date. Stout reserves the right to change those conclusions should additional information be provided.

68. Stout's review, research, and evaluation was conducted on an independent basis. No Stout employee who worked on this engagement has any known material interest in the outcome of the evaluation.

Neil Steinkamp
Managing Director
Stout Risius Ross, LLC

Appendix A – Legal Assistance Website Evaluation Matrix

Independent Evaluation of Michigan's Intake and Referral Ecosystem for Civil Legal Needs
Legal Assistance Website Evaluation Matrix
Evaluation of as of June 30, 2022

	State	[1] Legal Topics Resources	[2] Guided Interviews	[3] Self-Help Forms	[4] Access to Legal Clinics or Lawyers	[5] Application for Legal Help	[6] Live Chat	[7] Automated Chat	[8] Phone Assistance	[9] Information About Court System	[10] Multiple Languages	[11] E-Filing Assistance	[12] Search Bar Feature	[13] Engaging Graphic Design	[14] Topic Based Navigation	[15] Quick Exit Feature	Total Features
1	Michigan	x	x	x	x	x	x	x		x	x	x	x	x	x		13
2	Montana	x	x	x	x	x	x		x	x	x		x	x	x	x	13
3	Kentucky	x	x	x	x	x			x	x	x		x	x	x	x	12
4	Oklahoma	x	x	x	x	x	x			x	x		x	x	x	x	12
5	Washington	x	x	x	x	x			x	x	x		x	x	x	x	12
6	Alabama	x		x	x	x			x	x	x		x	x	x	x	11
7	Virginia	x	x	x	x	x			x		x		x	x	x	x	11
8	Arizona	x		x	x	x	x			x	x		x	x	x		10
9	Illinois	x	x	x	x	x	x	x		x	x		x				10
10	Louisiana	x	x		x	x				x	x		x	x	x	x	10
11	South Carolina	x		x	x	x				x	x		x	x	x	x	10
12	Texas	x	x	x	x	x	x			x	x		x	x			10
13	Connecticut	x	x	x		x	x			x	x		x	x			9
14	Georgia	x		x		x				x	x		x	x	x	x	9
15	Hawaii	x			x	x				x	x		x	x	x	x	9
16	Iowa	x		x	x	x	x			x	x		x	x		x	9
17	Maine	x		x		x		x		x	x		x	x	x		9
18	New York	x	x	x	x		x			x	x		x		x		9
19	Pennsylvania	x		x	x		x			x	x		x		x	x	9
20	Puerto Rico	x			x			x		x	x		x	x	x	x	9
21	Alaska	x			x					x	x		x	x	x	x	8
22	Colorado	x		x		x			x	x	x		x	x			8
23	Florida	x	x	x						x			x	x	x	x	8
24	Indiana	x			x	x				x	x		x	x	x		8
25	Massachusetts	x			x	x	x		x	x			x		x		8
26	Mississippi	x			x	x				x			x	x	x	x	8
27	New Hampshire	x		x		x			x	x			x	x	x		8
28	New Jersey	x			x	x				x	x		x	x	x		8
29	North Carolina	x			x					x	x		x	x	x	x	8
30	Oregon	x			x				x	x	x			x	x	x	8
31	West Virginia	x			x	x				x	x			x	x	x	8
32	Arkansas	x			x	x				x			x	x	x		7
33	California	x		x	x		x			x	x		x				7
34	Idaho	x		x		x		x			x		x	x			7
35	Kansas	x			x	x	x		x		x		x				7
36	Minnesota			x	x	x	x				x		x	x			7
37	Missouri	x			x	x				x	x		x		x		7
38	New Mexico	x			x	x					x		x	x	x		7
39	Rhode Island	x			x					x	x		x	x	x		7
40	Wyoming	x		x	x	x							x		x	x	7
41	Delaware		x	x		x				x			x		x	x	6
42	Maryland	x			x					x	x		x		x		6
43	South Dakota	x		x	x					x	x		x	x			6
44	Utah	x				x				x			x	x	x		6
45	Nevada	x				x							x	x	x		5
46	Nebraska					x			x				x	x		x	5
47	Ohio	x			x					x			x	x			5
48	Vermont	x			x						x		x		x		5
49	North Dakota	x		x		x							x				4
50	Wisconsin										x		x	x		x	4
51	Tennessee				x						x		x				3
52	Guam				x									x		x	3
53	U.S Virgin Islands					x					x						2
54	Micronesia													x			1
55	Total	45	13	25	41	37	14	5	11	30	44	1	51	40	37	24	

[1]   Common legal topics include, "Family," "House & Apartment," "Money & Debt" and "Personal Safety."
[2]   Tools asking users a series of questions and the answers are used to populate legal forms or locate relevant resources.
[3]   Forms available for a range of legal issues that a user can complete on their own.
[4]   Directs user to the addresses and phone numbers of legal clinics or lawyers.
[5]   Directs user through a series of questions to (1) determine their eligibility to receive free legal assistance, (2) provide advice from an attorney or paralegal or (3) referral to another legal service provider.
[6]   Allows user to chat with staff and volunteers at the state legal assistance website who can direct them to the legal information they are looking for and in some cases provide legal advice.
[7]   Allows user to chat with a robot or answer a series of automated question on the state legal assistance website to direct them to the legal information they are looking for.
[8]   Offers direct phone number of legal assistance website where users can speak with live agents.
[9]   Offers insight into the workings of the state court along with providing advice for how individuals should prepare themselves for court.
[10] Allows user to translate the legal help website into multiple languages, such as Spanish, Mandarin, and Arabic.
[11] Offers instructions on how to file court documents online, if e-filing is available in the jurisdiction.
[12] Allows user to perform a keyword search, often to address a specific need.
[13] Features eye-catching, hover-over animation, which changes the color of the tab or box users have their mouse over and facilitates the search process.
[14] Provides a drop down tab for users, allowing user to differentiate between topics and subtopics.
[15] A feature created for a user experiencing intimate partner violence. Allows user to find help while having the ability to both exit the tab and switch it to an inconspicuous website

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Appendix B – MLH Data Visualizations

Seeking Assistance and Intake Eligible

County Fips
All

By Kind of Help Sought
All

% of People Indicating They Were Seeking Assistance for Someone Else

					2021							
	Q1			Q2			Q3			Q4		
No	86.2%	86.5%	85.6%	87.0%	87.3%	86.2%	87.8%	86.4%	88.1%	86.9%	86.6%	87.2%
Yes	13.8%	13.5%	14.4%	13.0%	12.7%	13.8%	12.2%	13.6%	11.9%	13.1%	13.4%	12.8%
	January	February	March	April	May	June	July	August	September	October	November	December

% of Interactions
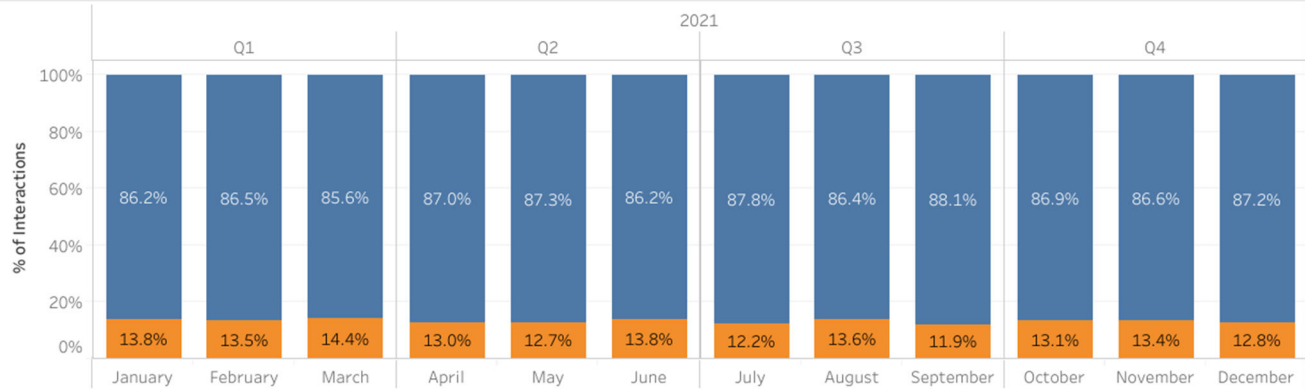
% of People That Are Intake Eligible

					2021							
	Q1			Q2			Q3			Q4		
No	43.7%	43.4%	44.9%	43.9%	43.8%	43.9%	43.4%	44.6%	44.4%	42.0%	42.0%	42.3%
Yes	56.3%	56.6%	55.1%	56.1%	56.2%	56.1%	56.6%	55.4%	55.6%	58.0%	58.0%	57.7%
	January	February	March	April	May	June	July	August	September	October	November	December

% of Interactions

49
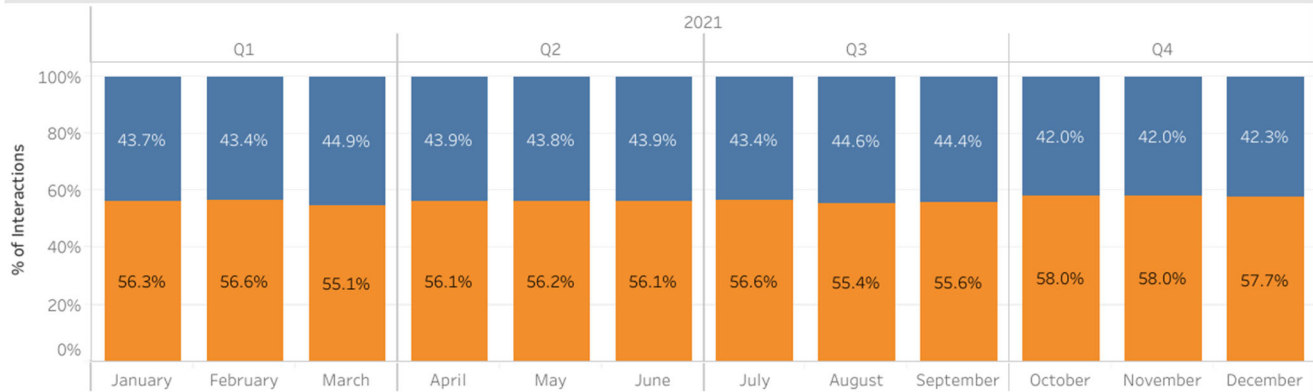
Legal Problems by Kind of Help Sought

Data is from 01/01/2021 to 12/31/2021

County Fips	Intake Eligible	Month, Day, Year of Datetime End
All	All	All

Kind of Help Sought

A Lawyer 32.7%	Information about a Legal Problem 27.3%	Court Forms 26.0%	Not Sure 14.1%

Kind of Help Sought by Month

Kind of Help Sought
- A Lawyer
- Court Forms
- Information about a L..
- Not Sure

County Fips All

Intake Elig All

Month, Day, Year of Date.. All

2021	Q1			Q2			Q3			Q4		
	January	February	March	April	May	June	July	August	September	October	November	December
A Lawyer	30.7%	30.4%	31.6%	28.9%	30.6%	31.1%	32.3%	31.3%	35.4%	36.4%	38.0%	35.0%
Court Forms	26.5%	26.6%	26.5%	27.3%	26.8%	27.1%	26.0%	28.1%	26.0%	23.6%	23.0%	25.1%
Information about a L..	28.6%	28.9%	28.2%	26.9%	28.2%	27.1%	27.2%	27.4%	25.4%	26.8%	25.9%	26.8%
Not Sure	14.3%	14.1%	13.7%	17.0%	14.4%	14.7%	14.5%	13.3%	13.2%	13.2%	13.1%	13.1%

% of Interactions

Kind of Help Sought by % of Poverty

Household Size By % of Poverty
Data points where the % of poverty level is greater than 1,000% have been excluded

Appendix C – SBM LRS Data Visualizations

Overview of Attorney Referrals pt. 1
Date Range: October 2021 to March 2022

Date Range
October 2, 2021 to March 29, 2022

Did the caller receive a referral to an attorney?

2021

Yes	86.3%
No	12.3%
Unknown	1.4%

% of Callers

2022

Yes	85.1%
No	14.9%

% of Callers

If the caller received a referral, did they request that attorney contact them?

2021

Yes	56.2%
Unknown	32.9%
No	11.0%

% of Callers

2022

Yes	62.7%
Unknown	26.9%
No	10.4%

% of Callers

Overview of Attorney Referrals pt. 2
Date Range: October 2021 to March 2022

Date Range
October 2, 2021 to March 29, 2022

Did the attorney contact the caller within two days of the referral to schedule a consultation?
(If the caller asked for an attorney to contact them)

2021

Yes	55.6%
No	44.4%

% of Callers

2022

Yes	77.3%
No	22.7%

% of Callers

Did the caller contact the attorney to schedule a consultation after the caller received the referral?
(If the caller did not ask for an attorney to contact them)

2021

Yes	63.3%
No	36.7%

% of Callers

2022

Yes	65.2%
No	34.8%

% of Callers

Understanding the caller
Where do they come from and what happens after the call..

How did the caller learn about the State Bar of Michigan Legal Resource and Referral Center?

2021
- Friend: 6.8%
- Internet search: 11.0%
- Lawyer: 20.5%
- Legal Aid: 12.3%
- Michigan Legal Help website: 6.8%
- Other: 15.1%
- State Bar of Michigan website: 5.5%
- Unknown: 21.9%

2022
- Friend: 4.5%
- Internet search: 28.4%
- Lawyer: 16.4%
- Legal Aid: 11.9%
- Michigan Legal Help website: 3.0%
- Other: 10.4%
- State Bar of Michigan website: 11.9%
- Unknown: 13.4%
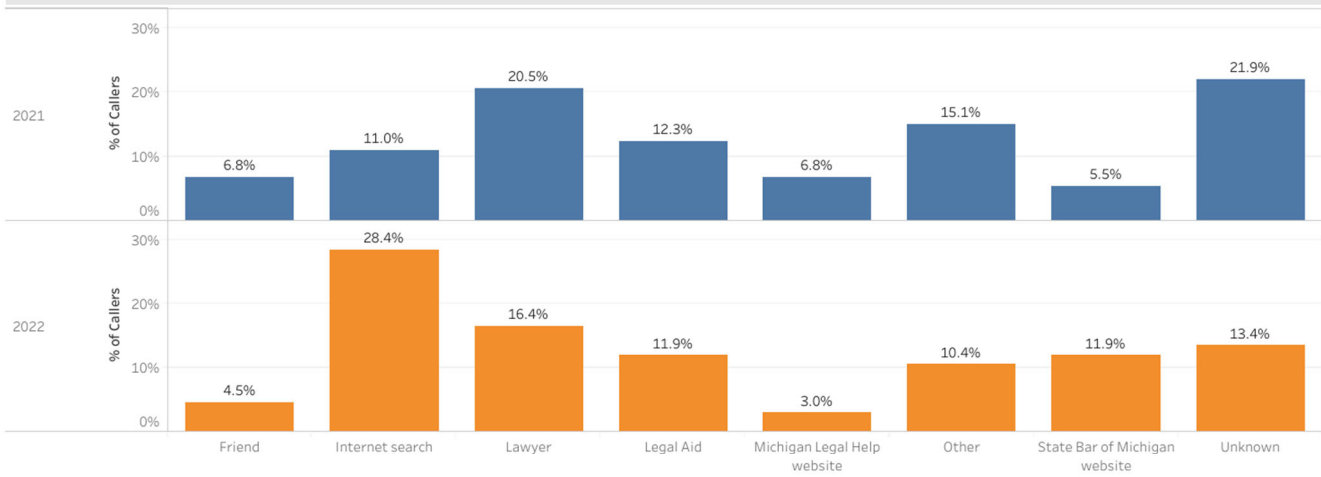
Did the caller retain the attorney for legal work beyond the consultation?

2021
- No: 52.1%
- Unknown: 32.9%
- Yes: 15.1%

2022
- No: 58.2%
- Unknown: 31.3%
- Yes: 10.4%

54
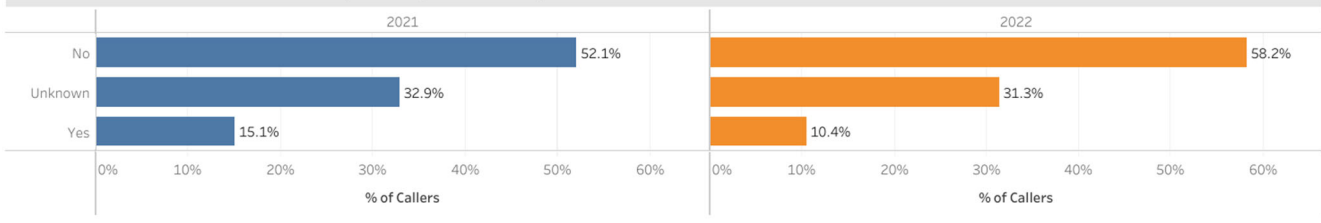
Appendix D – Mystery Calling Personas

Child Support Persona
- Male, age 45, divorced, 3 minor children, household income < 200% FPL
- Living in Antrim County
- Divorced in 2019
- Children live with their mother
- Pays child support but recent lost his job and has not been able to make payments the last 3 months
- Does not know whether he needs an attorney

Consumer Debt Persona
- Male, age 35, single, no children, household income < 200% FPL
- Living in Macomb County
- Sued by creditor (credit card company), lost by default, has a money judgment against him, does not recall ever receiving a notice about a court case
- Recently notified that his wages are being garnished
- Does not know whether an attorney can help him

Contested Divorce Persona
- Male, age 40, 2 minor children, household income < 200% FPL, needs help filing for divorce
- Living in Eaton County
- Married in 2015
- Currently separated from spouse, children are living with caller
- Issues being contested:
  - Division of marital property (their house)
  - Spousal support
  - Child custody
- Spouse alleges domestic violence and hidden assets
- Wants to connect with a lawyer

Eviction Persona
- Female, age 35, single, 3 children, living in private rental housing, household income of 100% FPL
- Living in City of Lansing
- She received an eviction notice on [date] stating that she owed 3 months of back-rent. The eviction notice indicated the eviction was for non-payment and the notice was a Demand for Possession.
- She has a verbal lease agreement with the landlord and pays $600 per month (cash) for the 2-bedroom, single family home
- She has repeatedly complained to the landlord about mold, water leaks, and pests but the landlord has not taken action to resolve these issues

- She applied for rental assistance with Holy Cross Services but was denied. She's not sure why she was denied the rental assistance.
- Wants to connect with a lawyer

Guardianship Persona
- Female, age 43, has child (age 25) with diagnosed disability that has prevented them from living independently, household income < 200% FPL
- Living in Oakland County
- Wants to connect with a lawyer to discuss whether to file a petition for guardianship

Immigration Persona
- Female, age 50, 2 minor children, single, household income < 200% FPL
- Living in Berrien County
- Received order of removal on [date], wants to apply for asylum
- Arrived in United States from Venezuela in 2021
- Does not have other family or trusted relationships in the United States
- Wants to connect with a lawyer

Personal Safety Persona
- Female, age 17, living with parents, minimal income from part-time job
- Living in Kalamazoo, MI
- Seeking an order of protection against co-worker who has been sexually harassing her
- Wants to connect with a lawyer

Public Assistance Persona
- Female, age 65, married, household income < 200% FPL
- Living in Jackson, MI
- Applied for Social Security Income benefits but was denied
- Believes she is eligible for SSI but may not have provided all the necessary information. Would like to connect with an attorney to appeal the SSI determination

Rent-to-Own Housing Dispute
- Female, age 22, single, no children, received an eviction notice (Notice to Quit) but was told by her landlord that she was making installment payments toward the purchase of the home
- Household income < 200% FPL
- Living in Wayne County
- Has an agreement with the property owner titled "Land Contract Agreement" that mentions rent payments but also discusses that these rent payments may be applied to the purchase of the home
- Has been making payments of $600 per month for two years

- Has also complained to the property owner about various defective conditions but the property owner told her to make the repairs herself and just keep the receipts so they can be applied to the home purchase
- Her hours at work were recently reduced and she was only able to offer a partial payment last month, which the landlord refused unless it was the full amount
- She has also received mail at the home indicating that the property owner is delinquent on their property taxes
- Wants to connect with a lawyer to discuss her options and better understand what is going on

Uncontested Divorce
- Female, age 30, household income >200% FPL, filing for divorce
- Living in Wayne County
- Married for two years
- Married in Detroit, MI
- No children, no disputes over assets, no domestic violence
- Needs assistance locating and completing necessary forms