

EQUAL JUSTICE WYOMING CASE REPORTING GUIDE

1.1 Purpose

The purpose of the Case Reporting Guide is to provide instruction on how to count and document cases reported to Equal Justice Wyoming (Equal Justice). Case statistics alone are not determinative of the effectiveness of a legal aid program, but are an important indicator in evaluating a program's work. Equal Justice relies on statistical and other pertinent information in its biennial request for State funding for legal services, therefore, the accuracy of this data is important.

1.2 Scope

This Guide applies to the recording and reporting of cases, and sets forth requirements for accounting for both open and closed cases.

1.3 Effective Date

This Guide is effective July 1, 2015.

2.1 Definition of Case

For reporting purposes, a case is defined as the provision of permissible legal assistance to an eligible client with a legal problem, accepted for assistance in accordance with the requirements of the Wyoming Civil Legal Services Act, regulations, policies established by Equal Justice, and other applicable law. Only cases that meet Equal Justice eligibility criteria should be reported to Equal Justice.

Legal services programs may record and report the provision of legal assistance as a case only if:

- (a) the client is financially and otherwise eligible to receive legal assistance under the Wyoming Civil Legal Services Act, regulations, and other applicable law;
- (b) the client's case is an eligible case or matter type and is not prohibited by the Wyoming Civil Legal Services Act, regulations, or policies established by Equal Justice Wyoming;
- (c) the legal services program has actually accepted the client for services through established procedure for ensuring client eligibility.

2.2 Definition of Legal Assistance

Legal assistance is defined as the provision of limited service or extended service on behalf of a client or clients. Legal assistance is specific to the client's unique circumstances and involves a legal analysis that is tailored to the client's factual situation. Legal assistance involves applying

legal judgment in interpreting the particular facts and in applying relevant law to the facts presented and creates an attorney-client relationship.

2.3 Definition of Legal Information

Legal information is defined as the provision of substantive information not tailored to address a person's specific legal problem. It is general and does not involve applying legal judgment and does not recommend a specific course of action. The provision of legal information does not create an attorney-client relationship and is not reportable as a case.

2.4 Definition of Client

For Equal Justice reporting purposes, a client is defined as a person who is:

- (a) financially and otherwise eligible to receive legal assistance under the Civil Legal Services Act, regulations, and other applicable law, accepted and billed to Equal Justice funds; and
- (b) accepted for legal assistance through an intake system or other established program procedure for ensuring client eligibility.

To be eligible for and accepted for legal assistance and to be reported as an Equal Justice case, a client must meet the financial, and other eligibility requirements of the Civil Legal Services Act, regulations, and policies established by Equal Justice.

2.5 Who Can Provide Legal Assistance

Legal assistance in a case must be provided by an attorney authorized to practice law in Wyoming or a non-attorney under the direct supervision of a licensed attorney in accordance with the rules of practice of law for the State of Wyoming. A person providing assistance in a case must keep records of the work provided.

3.1 Recording Cases

Programs shall utilize some form of a case management system or database along with procedures that ensure that information necessary for the effective management of cases is accurately and timely recorded.

3.2 Reporting Cases Only Once

Programs shall ensure that cases involving the same client and same legal problem are not recorded and reported to Equal Justice more than once.

3.3 Timely Closing and Reporting of Cases

Programs shall ensure the timely closing of cases so that case service reports submitted to Equal Justice contain current and accurate information about both open and closed cases for the grant year (July 1 through June 30).

3.5 Identification of Non-Reportable Cases

Programs shall establish a method in their case management systems or databases that will de-select case files for Equal Justice case reporting that were opened as eligible under an Equal Justice grant but are not reportable to Equal Justice as cases. Examples of such case files include: (1) case files properly opened where the client withdrew before any legal assistance could be rendered, (2) case files where the client gave the program erroneous information at intake and the correction of which showed that the client was ineligible, (3) case files where administrative or computer error caused a case to be opened when no case should have been opened, (4) duplicate case files, (5) case files where closure is untimely, or (6) case files where the required documentation is not present.

4.1 General Requirement

For each grant year, recipients shall report case service information to Equal Justice as part of the quarterly and final grant report to be submitted as scheduled in the grant award document. Case information reported to Equal Justice shall include both numbers of cases opened and closed during the grant period. This shall be reported in the format provided by Equal Justice.

4.2 Private Attorney Involvement Cases

If a program provides services through a Private Attorney Involvement program funded by Equal Justice, for each grant year, any program receiving money for PAI cases should report those separately from their staff cases and clearly identify those cases as PAI cases.

4.3 Reporting Only Equal Justice-Eligible Cases

Recipients should report only cases in which there has been an eligibility determination showing that the client meets Equal Justice eligibility requirements, and only those cases which Equal Justice is the source of funding supporting the cases, provided such cases are completed by the recipient or by PAI attorneys. Cases without such eligibility determinations may not be reported to Equal Justice.

4.4 Reporting for Separate Grants

Recipients receiving funding for more than one Equal Justice grant shall report case service information separately for each separate grant for which Equal Justice funding is received.

5.1 General Requirement

For each case reported to Equal Justice, programs shall record case and client information necessary for effective case management, either through electronic entries in an automated case

management system or database, through notations on an intake sheet or other hard-copy document in a case file, or through other appropriate means.

5.2 Requirements Pertaining to Client Eligibility

In addition, for each case reported to Equal Justice, programs shall document that a determination of client eligibility was made in accordance with Equal Justice requirements. The documentation of eligibility shall be recorded and shall be preserved for audit purposes for a period of no less than five years.

5.3 Income Documentation Requirements

At a minimum, for each case reported to Equal Justice, programs shall record the number of members in the applicant's household and the total income received by all members of the applicant's household. Program's intake procedures must include instructions to ask sufficient questions of the applicant to determine the total amount of household income and the program must be able to provide reasonable evidence that staff practice follows these procedures. A total amount of the applicant's household income must be recorded even if it is zero. In the case that the applicant's household reports zero income, the program shall ask further questions to determine the source of support and make a notation in the case file of the source of the applicant's support.

5.4 Asset Documentation Requirements

At a minimum, for each case reported to Equal Justice, Equal Justice funded programs shall document the total value of assets held by all members of the applicant's household.

Programs' intake procedures must include sufficient questions of the applicant to determine the total amount of non-excluded household assets and the program must be able to provide reasonable evidence that staff practice follows these procedures. Programs shall use the equity value of a non-excluded asset as opposed to its fair-market value in calculating asset eligibility.¹ A total value of the applicant's non-excluded household assets must be recorded, even if it is below the asset ceiling or zero.

5.6 Legal Assistance Documentation Requirements

For each case reported to Equal Justice, the client's case file or the case management system must contain a description of the legal assistance provided to the client. Such description should be sufficient to document that the assistance is a case and to support the level of assistance selected by the program to close the case.

6.1 Case Service Definitions

¹ For example, a client's asset could have a fair-market value of \$30,000 but if it is encumbered by a loan in the amount of \$28,000, the client's equity value in the asset would be only \$2,000.

When closing individual cases, programs shall report each case once according to the level of case service that best reflects, in accordance with the definitions and guidance contained in this Guide, the level of assistance which the program provided during the course of the case.

6.2 Cases Involving Multiple Levels of Assistance

The program shall report only the highest level of service provided when a program provides more than one type of assistance to an eligible client during the same grant reporting year when attempting to resolve essentially the same legal problem, as demonstrated by the factual circumstances giving rise to the problem. For example, if a program initially provides Advice and Counsel in an attempt to resolve a client's legal problem, and the program later negotiates a settlement with an opposing party with respect to the same legal problem, the program shall report the case only once as a Negotiated Settlement.²

6.3 Cases Involving Repeated Instances of Assistance

The program shall report repeated instances of assistance to the client as a single case when a program provides assistance more than once within the same grant year to an eligible client who has returned to the program with essentially the same legal problem, as demonstrated by the factual circumstances giving rise to the problem. For example, if a program assists a client on two or more occasions with an on-going problem, the factual circumstances of which remain essentially the same over time, the program shall report its assistance to the client as a single case, even if the program has provided Counsel and Advice or Limited Action to the client on more than one occasion within the same grant year.

6.4 Cases Involving Related Legal Problems

For cases involving related legal problems:

- (a) **For Counsel and Advice (Closure Category A) cases only**, legal assistance rendered to a client on related legal issues contemporaneously or within a brief time frame is counted as one case. However, two or more cases may be reported if the legal issues are sufficiently different, as evidenced by the presence of:
 - (i) legal issues that fall into different Legal Problem Categories, such as Family and Housing;
 - (ii) legal issues that fall into different Legal Problem Codes within either the Individual Rights or Miscellaneous Legal Problem Categories;

² This requirement applies during the course of the grant year. If a program has already closed and reported a case in one grant year, and the client returns for additional service in a subsequent grant year, the program must report the additional service as a separate case in the subsequent year, provided that the case otherwise meets the requirements and definitions of this Guide.

- (iii) legal issues that involve different potentially adverse parties, even if they are in the same Legal Problem Category or Code; or
- (iv) legal issues that relate to substantially different underlying facts.

(b) **For all other cases (Closure Categories B to L)**, programs shall report related legal problems of an eligible client as a single case when the program representing the client attempts to resolve the related legal problems simultaneously through a single legal process. For court cases, if the legal problems are resolved under one Civil Action Number, only one case is reported. If there are multiple Civil Action Numbers, then multiple cases are counted. For example, if a client seeks assistance with related child custody and support problems, and the program assists the client by preparing a pleading or other document that addresses both problems, then the program shall report its assistance to the client as a single case. However, if child custody and child support are addressed in different actions or in different courts, then more than one case should be reported for the client.

6.5 Cases Involving Appeals

If a program represents a client in a case at the trial court and/or administrative agency level and then represents the client in an appeal of that case to an appellate court, the program should report the trial court or administrative agency decision below as one case.³ A separate case should be opened for the appeal.⁴ If a program represents a client in a case remanded back to the lower court or administrative agency, the appeal should be closed under Closure Category I(c) and a new case opened for the proceedings in the lower court or administrative agency on remand.

6.6 Alternative Forms of Service

Programs may provide alternative forms of service such as, *pro se* clinics, workshops, legal education, kiosks, and web assistance.

- (a) However, such alternative service may not be reported as a case unless:
 - (i) the service provided qualifies as a case, as defined by § 2.1 of this Guide;⁵

³ Note that only appeals **to an appellate court** fall within the definition of appeals in this Chapter and within the parallel definition of appeals in Chapter VIII, Closure Category I(c). “Appeals” from an administrative agency to a trial court or from a lower level trial court to a higher level trial court are not included and should be reported as only one case under Closure Category I(b).

⁴ Prior to opening a new case as an appeal or remand under § 6.5, a new client eligibility determination is required as well as an assessment of merit.

⁵ A program may not provide legal assistance contrary to the Equal Justice grant agreement and the Wyoming Civil Legal Services Act, regulations and other applicable law, as part of a workshop, clinic, or other alternate form of service.

- (ii) the service provided qualifies as legal assistance;
 - (iii) the person receiving the service is a client; and
 - (iv) the person providing the service is an attorney or a non-attorney under the direct supervision of a licensed attorney in accordance with the rules of practice in Wyoming.
- (b) Related services provided to the same client with respect to essentially the same legal problem are reported to Equal Justice only as specified by §§ 6.2 and 6.3 of this Guide.
- (c) Programs may report alternative forms of service provided in § 6.6 under the category that best fits the actual service provided as defined by this Guide. If the program provides legal information as opposed to legal assistance, the service provided is not reportable as a case.⁶

7.1 Referrals of Ineligible Applicants

Programs may report as cases only those services provided to clients who are eligible for, and have been accepted for, legal assistance through a program's intake system or other procedure for verifying case and client eligibility. Referrals of applicants who are ineligible for assistance under an Equal Justice grant may not be reported as cases. Similarly, referrals of applicants who are not accepted for service, because their legal problems are outside of program priorities, may not be reported as cases.

7.2 Referrals of Eligible Applicants

Programs may not report the referral of an eligible applicant as a case when the referral is the only form of assistance which the applicant receives from the program.

8.1 Purpose of Case Closure Categories

The purpose of case closure categories is to delineate the level of service provided to the client in each case. This Chapter includes definitions of common levels of case services which programs provide to eligible clients during the course of a case. All legal assistance recorded and reported to Equal Justice as a case must:

- (a) qualify as a case, as defined by this Guide;⁷

⁶ See also ABA Standards for the Provision of Civil Legal Aid (2006), Standard 3.6 on the Provision of Legal Information.

⁷ As specified by § 6.6 of this Guide, the provision of direct legal advice to a client in a *pro se* clinic or workshop qualifies as a case which may be reported to Equal Justice if the provision of advice meets the definition of a case

- (b) be provided to an eligible client, as defined by this Guide; and
- (c) be documented as required by this Guide.

8.2 LIMITED SERVICE CASE CATEGORIES⁸

Category A – Counsel and Advice

A case closed in which the program provided legal advice to an eligible client should be closed as Counsel and Advice (e.g., the advocate ascertained and reviewed relevant facts, exercised judgment in interpreting the particular facts presented by the client and in applying the relevant law to the facts presented, and counseled the client concerning his or her legal problem).

Category B – Limited Action

A case closed in which the program took limited action(s) on behalf of an eligible client that addressed the client's legal problem that is not so complex or extended as to meet the requirements for Category L should be closed as Limited Action. Examples include, communications by letter, telephone or other means to a third party; preparation of a simple legal document such as a routine will or power of attorney; or legal assistance to a *pro se* client that involves assistance with preparation of court or other legal documents.

8.3 EXTENDED SERVICE CASE CATEGORIES

Category F – Negotiated Settlement Without Litigation

A case closed in which the program negotiated and reached an actual settlement⁹ on behalf of a client without any court or administrative actions pending should be closed as Negotiated Settlement Without Litigation. This category should be reserved for cases in which the program conferred with another party so as to reach a resolution of the client's legal problem. This category includes settlements negotiated with an administrative agency prior to the filing of a formal administrative proceeding.

Category G – Negotiated Settlement With Litigation

found in § 2.1 of this Guide and the person receiving the advice meets the definition of a client found in § 2.3 of this Guide.

⁸ Closure Categories A and B include cases in which a referral has been made after the legal assistance was provided. Referrals without the provision of legal assistance should not be reported as a case.

⁹ The file should contain documentation of the settlement. *Pro se* cases cannot be closed in this category.

A case closed in which the program negotiated and reached an actual settlement on behalf of a client while a court or formal administrative action was pending should be closed as Negotiated Settlement With Litigation. This category should be reserved for cases in which the program conferred with another party so as to reach a resolution of the client's legal problem. Settlements of pending court or administrative actions should be closed in this category even if the court or administrative agency issues an order memorializing the settlement.

This category includes only: (1) cases in which an appearance has been entered before a court or administrative agency as counsel of record; or (2) cases in which the settlement was reached prior to the program's entry as counsel of record, provided that the program was actually representing the client in the negotiations (not assisting a *pro se* client) and provided that there is documentation of the settlement in the case file.

Category H – Administrative Agency Decision

A case closed in which the program represented a client in an administrative agency action that resulted in a case-dispositive decision by the administrative agency or body, after a hearing or other formal administrative process (e.g., a decision by the hearings office of a welfare department), should be closed as an Administrative Agency Decision. This category does not include settlements made during the course of litigation that are then approved by the administrative agency, voluntary dismissals or the grant of a motion to withdraw as counsel. If the case is resolved informally through contacts with an administrative agency, but without any formal administrative agency action, the case should be closed as Categories B – Limited Action or F – Negotiated Settlement without Litigation, depending on the level of service.

Category I – Court Decision

A case closed in which the program represented¹⁰ a client in a court proceeding that resulted in a case dispositive decision made by the court should be closed as a Court Decision.¹¹ This category is divided into the following three subcategories:

- (a) Uncontested Court Decisions – either there is no adverse party or the adverse party does not contest the case;
- (b) Contested Court Decisions – there is an adverse party and that party contests the case;
- (c) Appeals to an appellate court taken from a decision of any court or tribunal. This category does not include appeals or writs taken from administrative agency

¹⁰ Only cases in which the program attorney or advocate or PAI attorney is entered as counsel of record may be closed as Closure Category H or I. Assistance to *pro se* litigants cannot be closed in Closure Categories H or I.

¹¹ This does not include settlements made during the course of litigation approved by the administrative agency or court, voluntary dismissals or the grant of a motion to withdraw as counsel. However, although it may not be technically case dispositive, a case closed after a TRO or similar interim order made on the merits has been entered, may be closed in this category when the litigation is not pursued further.

decisions or lower trial court decisions to a higher level trial court acting as an appellate court, whether they are on the record or *de novo* proceedings.¹²

Category K – Other

A closed case that does not fit any of the other case closure categories should be closed as Other. Cases which fit two or more categories may not be closed in this category, but should be closed in the category which best reflects the level of service provided.

Category L – Extensive Service (not resulting in Settlement or Court or Administrative Action)

A case closed in which the program undertook extensive research, preparation of complex legal documents, extensive interaction with third parties on behalf of an eligible client, or extensive on-going assistance to clients who are proceeding *pro se* should be closed as Extensive Service. Some examples of extensive service include the preparation of complex advance directives, wills, contracts, real estate documents or other legal documents, or the provision of extensive transactional work. This category also includes cases closed after extensive interaction or negotiations with another party which do not result in a negotiated settlement. In addition, cases closed after litigation is initiated in which the program appears as counsel of record that do not result in a negotiated settlement, administrative agency or court decision, or in which an order of withdrawal or voluntary dismissal is entered should be closed in this category.¹³

10. Legal Problem Categories and Codes.

This section lists common types of legal problems experienced by clients. Each closed case is to be assigned a numeric Legal Problem Code describing the type of legal problem. Legal Problem Codes are grouped in ten broad Legal Problem Categories and are set out below:

CONSUMER/FINANCE

- 01 – Bankruptcy/Debtor Relief
- 02 – Collection (Including Repossession/Deficiency/Garnishment)
- 03 – Contracts/Warranties
- 04 – Collection Practices/Creditor Harassment
- 05 – Predatory Lending Practices (Not Mortgages)
- 06 – Loans/Installment Purchase (Not Collections)

¹² Such cases should be closed only once as Closure Category I(b) – Contested Court Decision.

¹³ This closure category should be reserved for cases in which the assistance the program provides clearly exceeds the amount of work that would be performed for Closure Categories A – Counsel and Advice or B – Limited Action and no other closing code is appropriate. Factors that favor selection of Closure Category L include but are not limited to: (1) a high level of factual complexity; (2) a highly sophisticated legal analysis; (3) drafting of non-routine original pleadings or legal documents; and (4) significant legal research. Although not controlling, programs may also consider whether a substantial amount of time was charged to the case as evidence of extensive services.

- 07 – Public Utilities
- 08 – Unfair and Deceptive Sales and Practices (Not Real Property)
- 09 – Other Consumer/Finance

EDUCATION

- 11 – Reserved
- 12 – Discipline (Including Expulsion and Suspension)
- 13 – Special Education/Learning Disabilities
- 14 – Access (Including Bilingual, Residency, Testing)
- 15 – Vocational Education
- 16 – Student Financial Aid
- 19 – Other Education

EMPLOYMENT

- 21 – Employment Discrimination
- 22 – Wage Claims and other FLSA (Fair Labor Standards Act) Issues
- 23 – EITC (Earned Income Tax Credit)
- 24 – Taxes (Not EITC)
- 25 – Employee Rights
- 26 – Agricultural Worker Issues (Not Wage Claims/FLSA Issues)
- 29 – Other Employment

FAMILY

- 30 – Adoption
- 31 – Custody/Visitation
- 32 – Divorce/Separation/Annulment
- 33 – Adult Guardian/Conservatorship
- 34 – Name Change
- 35 – Parental Rights Termination
- 36 – Paternity
- 37 – Domestic Abuse
- 38 – Support
- 39 – Other Family

JUVENILE

- 41 – Delinquent

- 42 – Neglected/Abused/Dependent
- 43 – Emancipation
- 44 – Minor Guardian/Conservatorship
- 49 – Other Juvenile

HEALTH

- 51 – Medicaid
- 52 – Medicare
- 53 – Government Children’s Health Insurance Programs
- 54 – Home and Community Based Care
- 55 – Private Health Insurance
- 56 – Long Term Health Care Facilities
- 57 – State and Local Health
- 59 – Other Health

HOUSING

- 61 – Federally Subsidized Housing
- 62 – Homeownership/Real Property (Not Foreclosure)
- 63 – Private Landlord/Tenant
- 64 – Public Housing
- 65 – Mobile Homes
- 66 – Housing Discrimination
- 67 – Mortgage Foreclosures (Not Predatory Lending/Practices)
- 68 – Mortgage Predatory Lending/Practices
- 69 – Other Housing

INCOME MAINTENANCE

- 71 – TANF
- 72 – Social Security (Not SSDI)
- 73 – Food Stamps
- 74 – SSDI
- 75 – SSI
- 76 – Unemployment Compensation
- 77 – Veterans Benefits
- 78 – State and Local Income Maintenance
- 79 – Other Income Maintenance

INDIVIDUAL RIGHTS

- 81 – Immigration/Naturalization
- 82 – Mental Health
- 84 – Disability Rights
- 85 – Civil Rights
- 86 – Human Trafficking
- 89 – Other Individual Rights

MISCELLANEOUS

- 91 – Legal Assistance to Non-Profit Organization or Group (Including
Incorporation/Dissolution)
- 92 – Indian/Tribal Law
- 93 – Licenses (Drivers, Occupational, and Others)
- 94 – Reserved
- 95 – Wills/Estates
- 96 – Advance Directives/Powers of Attorney
- 97 – Municipal Legal Needs
- 99 – Other Miscellaneous