

WU
FACE SHEET for **EXEMPT STATUS VERIFICATION**
HHSC

Researchers submitting a request for Exempt Status verification will receive feedback within 7-10 working days. This feedback will be one of the following:

- (1) Verification,
- (2) Notification that the proposed research plan does NOT qualify for EXEMPT STATUS and instructions as to whether an application for an EXPEDITED or FULL REVIEW is required.

Please complete the following information and attach a verification request form (see the following page). Send an original and TWO copies of each of the following to Hilltop HSC Chair, Sandra Hale, Box 1125: this Application FACE SHEET, a completed APPLICATION CHECKLIST, the REQUEST FORM (see next page), and when applicable, CONSENT/ASSENT forms (or verbal protocols).

Professor Clark D. Cunningham

ACTIVITY DIRECTOR (and Faculty Advisor if the Activity Director is a Student)

<u>School of Law</u> DEPARTMENT/SCHOOL	<u>cunningc@wulaw.wustl.edu</u> E-MAIL ADDRESS
<u>1120</u> CAMPUS BOX NUMBER	<u>314-935-6413</u> PHONE NUMBER
<u>Effective Lawyer Client Communication: Client Survey Pre-Test</u> TITLE OF PROJECT	

FROM: 8/15/00 TO: 8/14/01 Washington University
FUNDING AGENCY NUMBER

I certify that during the period for which approval is now sought, the project(s) will be carried out according to the Washington University Guidelines for Assurance of Protection of Human Subjects in Social and Behavioral Research, Development and Related Activities, and in accordance with specific provisions concerning the use of human participants deemed necessary by the Hilltop HSC.

Signed: *Clark D. Cunningham* August 2, 2000
Activity Director ~~July 27, 2000~~
Date

Reserved for Hilltop Human Subjects Committee use only:

EXEMPT STATUS VERIFIED
X2

Hilltop Human Studies Committee
EXEMPT
Date: 8-9-2000

No. X 00-208

Sandra Hale HHSC Chair
Signature Title
8/9/00
Date

Application Checklist for Hilltop HSC

Please answer the following:

Circle One

X1. Is this research designed to study normal educational practices such as research on educational instructional strategies, or research on the comparison of instructional techniques or curricula, AND is it being conducted in an established educational setting?	YES <input checked="" type="radio"/> NO
X2. Does this research involve the use of: 1) <u>standard</u> educational tests (cognitive, diagnostic, aptitude, achievement), OR 2) survey procedures, OR 3) interview procedures, OR 4) observation of public behavior, <u>AND</u> : a. the participants will remain anonymous; OR b. the participants will remain identifiable, directly or indirectly, but disclosure of their responses/behavior will not place the participants at risk of criminal or civil liability or be damaging to the participants' financial standing, employability, or reputations; OR c. participants are elected or appointed public officials or candidates for public office; OR d. federal statute(s) require(s) that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter?	YES <input checked="" type="radio"/> NO <input checked="" type="radio"/> YES NO YES <input checked="" type="radio"/> NO YES <input checked="" type="radio"/> NO
X3. Does this research involve the collection or study of <u>existing data, documents, records,</u> or <u>pathological or diagnostic specimens</u> where the sources are publicly available OR participants remain anonymous?	YES <input checked="" type="radio"/> NO
X4. Is this research designed to study, evaluate, or otherwise examine: a. programs under the Social Security Act or other public benefit or service programs; OR b. procedures for obtaining benefits or services under such programs; OR c. changes in methods or payment levels for benefits or services under such programs?	YES <input checked="" type="radio"/> NO YES <input checked="" type="radio"/> NO YES <input checked="" type="radio"/> NO
A5. Does the research involve data from prisoners, fetuses, pregnant women, individuals who are cognitively impaired, or human in vitro fertilization?	YES <input checked="" type="radio"/> NO
A6. Does the research involve deception that may result in more than minimal or transitory harm?	YES <input checked="" type="radio"/> NO

Some projects may qualify for EXEMPT STATUS. Complete the request for verification of EXEMPT STATUS if:
 You answered YES to any parts of Questions X1 through X4; AND
 You answered NO to Questions A5 and A6.

Other projects may qualify for an EXPEDITED REVIEW. Complete the application for EXPEDITED REVIEW if:
 You answered NO to all parts of Questions X1 through X4; AND
 You answered NO to Questions A5 and A6.
 (A list of activities that qualify for Expedited Review is provided on the back of this Checklist.)

In all other cases complete the application for FULL COMMITTEE REVIEW.

Request for **EXEMPT STATUS** Verification

For which EXEMPTION do you believe your project qualifies? X2
(Note: Exemption numbers refer to the items on the Application Checklist)

For EXEMPTION X1:

(No Consent Form required if Exempt under this classification.)

For EXEMPTION X2:

Please include a copy of any surveys you plan to use. Please provide the name(s) of any educational tests you plan to use.

(Consent Form or Statement of Consent required under this classification.)

For EXEMPTION X3:

Please provide exact information as to the source of the existing data or records.

(No Consent Form required if Exempt under this classification.)

For EXEMPTION X4:

Please provide specific information as to the public benefit or service program you are studying or evaluating.

(Consent Form required if Exempt under this classification.)

Briefly describe the purpose of your research and describe the precise method you will use so as to clarify why you believe your project qualifies for EXEMPT STATUS.

See attached

PROJECT DESCRIPTION. This project will pre-test procedures which are hoped to lead to a standard methodology for evaluating and improving lawyer-client communication by combining what has been learned so far within legal education with empirical social science research. The Principal Investigator is Clark Cunningham (Washington University School of Law). The only funding received to date has been from the Israel Treiman Research Fellowship administered by Washington University School of Law.

We have selected the initial client interview as the focus for the pilot project. The initial interview is, of course, the one unit of service that is constant across all forms of legal service delivery. It is also one of the most critical units of service. The initial interview: (1) shapes client perception of lawyer and program; (2) defines the service to be provided in terms of both problem and goal; and (3) is an important opportunity for client education, e.g. confidentiality, substantive legal rights, what the client can do for himself or herself, and the need to preserve evidence. In many cases the initial interview may in fact be the most significant communication before outcome determinative events such as hearing or settlement. By assessing effectiveness at the outset of the case, this approach provides feedback to lawyers during provision of service, thus creating possibility for improved service and increasing the relevance of the assessment both to lawyers and clients.

POPULATION Low-income persons in need of free legal services and lawyers and law students who conduct the initial interview. The population will not include prisoners, minors, or persons with cognitive impairments.

CONSENT: We do not believe that a separate consent form needs to be signed for every client satisfaction survey since this an exempt activity. Completion of the survey form is voluntary and the client is given the option to preserve the confidentiality of his response from the legal services program by marking the appropriate option on the survey form itself.

RESEARCH PROCEDURES. This component project will involve collection and analysis of data from survey methodologies (E4). At the conclusion of the interview the client will be given a questionnaire to be filled out privately before leaving. The person conducting the interview will also fill out a questionnaire. (See Appendix for list of questions and sample questionnaires.) The questionnaires will be identified only with a code and will contain a box to check if the client does not want the interviewing student or lawyer or her supervising attorney to see the responses. The questionnaire will be placed by the client in a sealed envelope and forwarded to Professor Alan Lambert at the Washington University Psychology Department for data compilation and analysis. The interviewer questionnaire will also be sent to Lambert for analysis and comparison with the client responses.

If the client has checked the "do not show to supervising attorney" box on the questionnaire, Lambert will provide copies of the questionnaire and analysis only to Cunningham. If the client has not checked the "do not show to supervising attorney" box on the questionnaire, the results of the questionnaire will also be shared with the director of the legal services program representing the client, or the director's designee.

Unlike the Case Western Reserve University and University of Wisconsin components of this project, for which expedited and full review (respectively) has already been requested, this component only involves analysis of client satisfaction survey forms voluntarily completed and does not involve recording and analysis of the interview itself. (It is the recording of the interview that we believe requires human studies review for the Case Western and Wisconsin components.) A number of law school clinics (and perhaps at least one public defender office) around the United States have volunteered to use these survey forms, primarily for the purpose of assisting us in pre-testing the survey, although they also hope to learn how to improve the provision of services from those responses where the client has authorized disclosure to the provider. The use of customer satisfaction surveys is a standard procedure in most service industries. Our forms and procedures are modeled on the standard procedure used by health care providers. Although the participants will remain indirectly identifiable through the coding system, the disclosure of their responses will not place them at risk of criminal or civil liability or be damaging to their financial standing, employability or reputations (Exemption X2).

This survey will be mailed to the Psychology Department at Washington University in St. Louis. Your answers will not given back to this clinic unless you check one or more of the following:

Show to the lawyers at the clinic Also show to the intern who interviewed me

For questions 1-10, please say how much you agree or disagree with each statement about the intern who worked with you.

	-2	-1	0	+1	+2
The Intern...	Strongly Disagree	Disagree	Uncertain	Agree	Strongly Agree
1) Made me feel comfortable.					
2) Said things I didn't understand.					
3) Treated me with respect.					
4) Didn't understand what was most important to me.					
5) Listened to me.					
6) Didn't explain what the intern would do next for me.					
7) Was interested in me as a person.					
8) Asked confusing questions.					
9) Was someone I could trust.					
10) Understood why I needed legal help.					

For questions 11-13, please say how much you disagree or agree with each statement.

	-2	-1	0	+1	+2
	Strongly Disagree	Disagree	Uncertain	Agree	Strongly Agree
11) I didn't say everything that I wanted to say.					
12) I know what I need to do next.					
13) If I came back to this clinic with a different need for legal help, I would want the same intern to help me.					

We ask about the following information to help us improve the client survey. Please skip any question if you do not want to provide the information.

Age: _____ Last school degree: Jr. High High School 2 yr college 4 yr college Graduate School

White Black American Indian Hispanic Asian Other: _____

Male Female My first language: English Spanish Other: _____

This assessment will be mailed to the Psychology Department at Washington University in St. Louis.

For questions 1-10, please respond by imagining how the client would respond if asked the question. We realize this is a difficult task and may involve some guessing on your part.

	-2	-1	0	+1	+2
The client...	Strongly Disagree	Disagree	Uncertain	Agree	Strongly Agree
1) Felt comfortable.					
2) Did not understand some things I said.					
3) Felt treated with respect.					
4) Felt as if I didn't understand what was most important to the client.					
5) Felt like I listened well .					
6) Felt like I didn't explain what I would do next for the client.					
7) Felt like I was interested in the client as a person.					
8) Thought I asked confusing questions.					
9) Trusted me.					
10) Thought I understood why the client needed legal help.					

For questions 11-17, express your own opinion, saying how much you disagree or agree with each statement.

	-2	-1	0	+1	+2
The client ...	Strongly Disagree	Disagree	Uncertain	Agree	Strongly Agree
11) Didn't say everything that the client wanted to say.					
12) Knows what the client needs to do next.					
13) Would want me to help him/her, if the client came back to this clinic with a different need for legal help.					
14) Seemed confused.					
15) Told me the whole story.					
16) Had unrealistic goals.					
17) Didn't tell me the truth.					

We ask about the following information to help us improve the survey. Please skip any question if you do not want to provide the information.

Age: _____ White ___ Black ___ American Indian ___ Hispanic ___ Asian Other: _____
 ___ Male ___ Female My first language: ___ English ___ Spanish Other: _____