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**2009 Unable to Serve Study**  
**Frequently Asked Questions (FAQs) and Responses** *(updated as of March 13, 2009)*

*Note: This listing of FAQs and responses has been updated since the initial distribution to grantees on February 26, 2009. For your convenience, this listing includes the FAQs and responses emailed on February 26, 2009 and responses to new questions received to date. **FAQs and responses emailed to grantees February 26 are shown in blue.** **New questions and responses added to the list since February 26 are shown in dark red.***

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The listing below of frequently asked questions and responses is organized into four categories:

- A. General Informational Questions
- B. Unable to Serve Questions
- C. Unable to Serve Fully Questions
- D. Extended Service Cases Accepted Questions

**A. General Information Questions**

1. What is new or different in the 2009 Unable to Serve study compared to the 2005 study?

*Response:*

*LSC is asking grantees for a breakout of housing data to obtain separate data on foreclosures.*

2. What is the time period for collecting data for the 2009 Unable to Serve study?

*Response:*

*The time period for collecting data for the 2009 Unable to Serve study is March 16, 2009 through May 15, 2009.*

3. What is the date for submitting final "unable to serve" data to LSC?

*Response:*

*The date for submitting final "unable to serve" data to LSC is Monday, June 1, 2009.*

4. At the conclusion of the study, are grantees required to report the totals by each office or program-wide?

*Response:*

*At the conclusion of the study, report program-wide totals.*

## A. General Information Questions (continued)

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5. Are all LSC grantees required to participate in the 2009 Unable to Serve study?

*Response: Yes.*

6. Who should grantees contact if they have any questions regarding the Unable to Serve study:

*Response: Contact LSC at [UTSquestions@lsc.gov](mailto:UTSquestions@lsc.gov).*

7. Where will LSC maintain updates to the FAQs?

*Response:*

*LSC will maintain updates to the FAQs on the Recipient Information Network. Access the RIN at [www.grants.lsc.gov](http://www.grants.lsc.gov). Once at the site, you will find the "Recipient Information Network" link on the home page under "LSC Applicant and Recipient Information".*

8. What are some examples of cases that should not be counted in the survey?

*Response:*

- *Do not count cases that the grantee would not include in its CSRs.*
- *Do not count cases that are referred to another provider if the other organization will almost certainly provide the necessary representation.*
- *Do not count cases where a client has withdrawn.*
- *Do not count cases where a client has become ineligible for service.*
- *Do not count cases where the grantee has determined that the case has insufficient merit to proceed.*

9. Should grantees count their PAI applications and cases in the survey?

*Response:*

*Yes. PAI applications and cases should be included in the survey. If the grantee has a PAI subgrantee it can count applications and cases as defined in Helaine Barnett's January 21, 2009 memorandum and attached form. "Applications" may fall in any of the four categories (i.e., "unable to serve", "unable to serve fully", "advice/limited service cases that resolve the matter", or "extended service cases accepted"). "Cases" would fall in any of the latter three categories.*

## B. Unable to Serve Questions

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1. Should a grantee count an applicant as “unable to serve” if the grantee turns the applicant away before doing a complete intake screening?

*Response:*

*Count an applicant as “unable to serve” even when a complete eligibility screening is not undertaken if:*

- *the case presented is within LSC’s legal problem categories and not barred by LSC regulations, and*
  - *the case is not being referred to an organization that will almost certainly provide the necessary representation.*
2. Should applicants on the grantee’s waiting list be counted as applicants who the grantee is “unable to serve”?

*Response:*

*Do not count applicants who are on the waiting list as “unable to serve”. The status of those on the waiting list is indeterminate – they have not been rejected, but they have not been served, either.*

3. Where another organization does intake for the grantee, can the “unable to serve” information that the other organization collects be counted with the LSC grantee’s numbers?

*Response:*

*If the grantee has a subgrant with another organization, and the organization applies the standards enunciated in Helaine Barnett’s January 21, 2009 memorandum and attached form, that organization’s “unable to serve” instances can be counted. In the absence of a subgrant, applicants rejected at intake by the other organization are not to be counted in this study.*

4. Should clients be counted as “unable to serve” if they are rejected due to a conflict of interest?

*Response:*

*Cases rejected because they are a conflict should be counted unless they are being referred to another provider who will almost certainly be able to represent them.*

### C. Unable to Serve Fully Questions

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1. What guidance is there as to whether a limited service case "resolves the issue" (Column D) or whether the case is an example of "unable to serve fully" (Column B)?

*Response:*

*An issue is "resolved" with advice and limited service if the grantee would not provide further representation even if its resources were not limited. Examples are:*

- *Clients who contact the grantee with questions or concerns about, for example, small claims suits, or incarceration based on unpaid debts. A consultation provides sufficient advice and/or allays the concerns of the caller and fully addresses the reason for the inquiry.*
- *Conversely, some limited service cases that bring bad news "resolve" the case. Where the client does not have a remedy in the law, giving the client that information is all that can be done, even though the client would wish otherwise.*
- *In other cases, the case handler's advice on how the client should proceed – such as the written assertion of a right or some other step taking advantage of a statutory remedy -- might be all that is needed.*
- *Similarly, in some limited service cases, it may be clear to the case handler that the limited service has addressed the concern. A call to the landlord or the department of social services may have led to a full and satisfactory resolution.*

*Conversely, count the case as "unable to serve fully" if the grantee would afford extended representation to the client if it were not limited by inadequate resources. Many case handling guidelines exclude full representation only because the grantee's resources are scarce and other cases are deemed to have a higher priority.*

### **D. Extended Service Cases Accepted Questions**

1. Column E (of the data collection charts emailed to grantees on February 26) asks for the number of extended service cases that the grantee accepted during the study period – March 16 through May 15, 2009. With respect to cases that were opened (*and/or entered in the CMS*) in that period but have not been closed by May 15, 2009 how should grantees determine which will be "extended service" cases?

*Response:*

*Use your best judgment as to whether cases opened (and/or entered in the CMS) from March 16th through May 15th and that are still open on May 15th will be closed as "extended service" and report those. The safest way is to obtain the case handler's current expectation as to how the case will be closed.*

**D. Extended Service Cases Accepted Questions (continued)**

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2. Should grantees include cases in column E (of the data collection spreadsheet emailed to grantees on February 26, 2009) cases that were funded by sources other than LSC?

*Response:*

*Include cases that are determined to be LSC-eligible regardless of the funding source. Do not include cases that have been legitimately handled with other funds that do not meet LSC eligibility guidelines such as clients who are over-income for LSC purposes.*