



**MAIN BENEFIT,  
RECOVERY FIELD, and OUTCOME PROTOCOLS<sup>1</sup>**

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This protocol is intended to be a reference tool used by staff advocates when closing extended service cases – those taken for more than brief service, usually because the matter meets the relevant “case acceptance guideline” (CAG). Its purpose is to ensure consistency across all offices and practice areas in the use of Main Benefit, Recovery, and Outcome fields in the Prime case management system. These fields along with problem/special problem codes help tell the story of how we are achieving great results for our clients.

**Main Benefits**

The purpose of the “Main Benefit” code (found in the Main Benefit tab of the Prime client case file) is to identify the extent to which the resolution of an extended case results in substantive and lasting positive change for the client. This protocol covers the most commonly utilized Main Benefit codes. Not every Main Benefit available in PRIME is referenced or explained in this protocol. If you have any questions regarding Main Benefits, recovery or outcome fields not answer by this protocol, you should consult with your managing attorney.

**Recovery**

The purpose of these fields is to estimate the monetary value by which the client benefited. Note that the outcome in many cases cannot be easily valued in dollar terms. BayLegal has restricted itself to estimating the monetary value of the outcome only where “recovery” can be tied to an objective standard.

In the Prime “Main Benefit” tab, “Total Worth” refers to the total amount the client has or will actually receive. “Total Avoid” refers to the total amount the client will

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<sup>1</sup> Revised February 2011

not have to pay. These are separate amounts. In the same case, for example, the client may both avoid having to pay an overpayment AND may also receive retroactive benefits wrongfully withheld. In that case both the "Avoid" and "Worth" amounts will be separately calculated and entered. The fields marked "Total" should always be used; the fields marked "Monthly" may be entered if useful. We are considering adding another field which would contain the sum of the amounts entered in the "Avoid" and "Worth" fields.

Another example involves saving a Section 8 Voucher. In that case, the value to the client of the continued rent subsidy should be put in the "Total Worth" field because it encompasses a future ongoing benefit the client will ultimately receive. The "Total Avoided" box should be restricted to situations where the client came to the office owing something (e.g., back rent, overpayment of public benefits including a rent subsidy), and left with a reduction or waiver of the amount originally due.

### **Outcome**

This field, found on page 3 of the Prime client case file, records the disposition of the case along a continuum between "win" and "loss." "Won" means a fully favorable outcome on the central issues of the case. "Lost" means a fully unfavorable outcome on the central issues. "Favorable" means a mostly or substantially successful outcome while "Unfavorable" means a mostly or substantially unsuccessful outcome. "Mixed Result" should not be used unless you truly believe the outcome is a draw. Needless to say, the "Main Benefits" identified for the case must be consistent with the chosen Outcome Code.

## HOUSING

### Main Benefits in Housing Matters

There are six primary Main Benefit codes for housing cases. The first five are for extended service cases only. Whenever an extended service housing case is closed, one of the first five Main Benefits must be used. For good reason, more than one Main Benefit may be used for a single case. You should include all of the most significant Main Benefits your client obtained when closing a case. The sixth Main Benefit code is only for non-extended service cases. The goal of housing representation is to preserve affordable housing for the client, the first two Main Benefits are the highest prized.

The six Main Benefits for housing are:

1. **Obtained/preserved public/subsidized housing** – this Main Benefit is used when we have helped the client obtain or preserve any of the following types of housing: public, Section 8 Housing Choice Voucher, Section 8 Project Based, Tax Credit, or other government subsidized housing.
2. **Obtained/preserved other low-income housing** – this Main Benefit is used when we have helped the client obtain or preserve the following types of housing: rent controlled units, mobile homes, housing occupied by a tenant in foreclosure, or other private low-income housing.
3. **Enforced housing anti-discrimination laws** – this Main Benefit is used whenever we helped a client successfully enforce a local, state or federal law protecting against housing discrimination on one of the following basis:
  - Disability
  - Family composition
  - Race
  - National origin
  - Sex
  - Sexual orientation
  - Religion
  - Marital status
4. **Enforced tenant housing rights** – this Main Benefit is used when we have helped a client successfully enforce a tenant right provided by statute, regulation, lease, or rental agreement. This Main Benefit should be indicated whenever the result we obtained for the client does not fit within any of the other four Main Benefits categories for extended service cases. Examples of tenant rights, if enforced, which would warrant use of this category are:
  - Right to have housing application properly assessed
  - Right to habitable housing
  - Right to safe housing
  - Right of quiet enjoyment of rental unit
  - Right to proper calculation of rent and other charges

- Right to review tenant file
- Right to utility services
- Right to return of security deposit
- Right to proper notice
- Right to hearing
- Right to have eviction lawsuit masked

5. **Enforced tenant or homeowner's procedural rights** – this Main Benefit is used when we have helped a client avoid homelessness (by giving her time to move out on her own terms and find alternative housing), or to assert other housing rights. Examples include:

- UD settlement giving client time to move out and secure other housing
- Ensuring voucher holder or subsidized housing tenant's procedural rights even though the voucher or subsidized housing was lost
- Foreclosure proceedings slowed even if ultimately successful
- Preventing a lockout even if settlement ultimately resulted in the tenant vacating
- Assertion of tenant or occupant's rights even if ultimately unsuccessful on the substantive issue.

6. **Obtained advice, brief service or referral on a housing matter** – this Main Benefit is only used for non-extended service cases.

### Calculating Recovery Field in Housing Matters

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
Counsel & Advice	Knowledge of the law		Unable to quantify
Pro Per UD Answer	Legal papers prepared for court filing	One month's rent	Filing an answer typically puts off eviction for at least 30 days
<b>Eviction Defense</b>			
UD Public Housing (tenancy kept) Habitability Non-payment Nuisance Other grounds Discrimination	The tenant retains her housing (with a waiver or reduction of rent due in a habitability case)	Est. moving expenses (ME), e.g., \$200 + Fair Market Rent for similar size unit (FMR) – tenant's portion of the rent x 36 months [+ amount of rent reduction x applicable number of months]	Cost of moving expenses was avoided; rent increase to FMR was avoided by saving the tenancy; 36 months is average length of a subsidized housing tenancy; client also received the benefit of any retroactive reduction in the rent due for number of months of such reduction
UD Public Housing (negotiated move out) Habitability Non-payment Nuisance Other UD grounds Discrimination	The tenant (a) receives compensation in settlement allowing her to obtain alternative safe and affordable housing, or (b) is allowed to retain possession for a significant period (e.g., three months) with waiver of all or part of the rent due	Amount of any cash settlement + the amount of any waiver of back rent, up to 15 hours	Self-explanatory
UD Private Housing (tenancy kept) Lockout	The tenant retains her housing (with a waiver or reduction of rent due in a habitability case)	ME, e.g., \$200 + FMR – tenant's actual rent x 36 months (in just	Rent increase to FMR was avoided by saving the tenancy; 36 months is average length of a tenancy in just cause eviction jurisdictions,

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
Discrimination Habitability Non-payment LL Move-in Nuisance Other UD grounds		cause jurisdictions) or 12 months (in no cause jurisdictions) [+ amount of rent reduction x applicable number of months]	otherwise 12 months; client also received the benefit of any retroactive reduction in the rent due for number of months of such reduction
UD Private Housing (negotiated move out) Lockout Discrimination Habitability Non-payment LL Move-in Nuisance Other UD grounds	The tenant (a) receives compensation in settlement allowing her to obtain alternative safe and affordable housing, or (b) is allowed to retain possession for a significant period (e.g., three months) with waiver of all or part of the rent due	Amount of any cash settlement + the amount of any waiver of back rent,	Self-explanatory
<b>Foreclosure</b>			
Owner Foreclosed	Owner keeps housing	Value of client's equity which would have been lost + value of any loan modification (old payment – new payment x life of loan)	Self explanatory
UD Tenant of foreclosed housing (tenancy kept)	The tenant (a) retains her housing,	ME, e.g., \$200 + FMR – tenant's actual rent x 36 months (in just cause jurisdictions) or 12 months (in no	Rent increase to FMR was avoided by saving the tenancy; 36 months is average length of a tenancy in just cause eviction jurisdictions, otherwise 12 months; client also received the benefit of any retroactive reduction in the rent

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
		cause jurisdictions) [+ amount of rent reduction x applicable number of months]	due for number of months of such reduction
UD Tenant of foreclosed housing (won time to move out)	The tenant (a) receives compensation in settlement allowing her to obtain alternative safe and affordable housing, or (b) is allowed to retain possession for a significant period (e.g., three months) with waiver of all or part of the rent due	Amount of any cash settlement + the amount of any waiver of back rent	Self-explanatory
<b>Public/Section 8 Housing</b>			
Pub Hsg Access-Eligibility Section 8 Voucher (Eligibility)	The tenant overcomes barriers or delays to entering public housing or Sec 8	FMR – tenant’s actual rent in previous housing x 12 months	While average stay in subsidized housing is 36 months, we only claim one-third credit
Pub Hsg Transfer	The tenant is allowed to transfer to safer or more habitable unit		Unable to quantify the value of peace of mind
Section 8 Termination	The tenant retains voucher or Sec 8 or other housing subsidy	FMR – tenant’s share of rent x 36 months	Assumption is that client will continue to receive benefits for 36 months

## HEALTH ACCESS AND PUBLIC BENEFITS

There are five primary Main Benefit codes for public benefits and health access cases. The first four are for extended service cases only. Whenever an extended service public benefits or health care case is closed, one of the first four Main Benefits must be used. For good reason, more than one Main Benefit may be used for a single case. You should include all of the most significant Main Benefits your client obtained when closing a case. The fifth Main Benefit code is only for non-extended service cases. Since the goal of health care representation is to preserve or establish the client's access to income and health care, the first three Main Benefits are the highest prized.

The five primary Main Benefits for public benefits and health access cases are:

1. **Obtained/preserved/increased access to health care benefits** – this Main Benefit is used when we have helped the client obtain, preserved or increased access to health care, whether supplied by a government or a private provider. This includes:
  - Establishing or maintaining eligibility for an overall health care program (e.g., Medi-Cal, county health, CMSP, IHSS, etc) or
  - Approval of a particular procedure or treatment to be provided or paid for by the program (e.g., Treatment Authorization Requests)
2. **Favorably resolved medical/health care debt** – this Main Benefit is used when we have reduced or eliminated the client's outstanding debt, or convinced the collector to cease collection activity.
3. **Obtained/preserved/increased access to public benefits** – this Main Benefit is used when we have helped the client obtain, preserved or increased access to a public benefits program. This includes:
  - Establishing or maintaining eligibility for the program (e.g., CalWORKs, SSI, Food Stamps, etc, including defeating or reducing a proposed overpayment) or
  - Approval of a particular Main Benefit to be provided or paid for by the program (e.g., job training, support services) or other gain for the client (e.g., waiver of WtW obligations due to disability or DV, defeat application of MFG rule, etc.)
4. **Enforced applicant or recipient's procedural rights** – this Main Benefit is used when we have helped a client defend or invoke a right provided by statute, regulation, or policy even though ultimately unsuccessful on the substance. This Main Benefit should be indicated whenever the result we obtained for the client does not fit within any of the other four Main Benefits categories for extended service cases.
5. **Obtained advice, brief services or referral in a health care or public benefits matter** – this Main Benefit is only used for non-extended service cases.



**Calculating The Recovery Field In Health Cases**

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
<b>Medi-Cal</b>			
Medi-Cal denial (disability) Medi-Cal denial (other eligibility)	Eligibility is established	<p>Value of monthly benefits attained/retained* x 36 months<sup>2</sup> = Dollar Value (NOTE: If client's condition is NOT expected to improve, the number of month is 12 x 60% of life expectancy for a person of the same age. 60% takes into account lower life expectancy than healthier members of the age cohort and present value of the benefits.)</p> <p>* Based on what Kaiser charges BayLegal, the value of one month's benefits for one person is \$500; for two people, \$1,000; for a family of three or more, \$1,500. If the client is also eligible for dental care, add \$50 per month for one person, \$90 for two, and \$130 for three or more.</p>	<p>Assumes that the typical recipient will receive benefits for three years. Where the basis of eligibility is a disability expected to last for the rest of the client's lifetime, and a disability review is not likely to occur (see 20 CFR 416.990) use the life expectancy set forth in the Social Security Administration's actuarial tables at: <a href="http://www.ssa.gov/oact/ST/ATS/table4c6.html">http://www.ssa.gov/oact/ST/ATS/table4c6.html</a>.</p>
Medi-Cal termination	Eligibility is retained	Value of monthly benefits attained/retained* x 36 months <sup>3</sup> = Dollar Value (NOTE: If client's condition is NOT expected to improve, the number of month is 12 x 60% of life expectancy for a person of the same age)	Assumes that the typical recipient will receive benefits for three years

<sup>2</sup> We assume that the typical disabled or aged recipient will receive benefits for at least three years (36 months), and that projecting beyond this time would be speculative. This maximum should be shortened if the facts warrant (e.g., only retroactive benefits are awarded, or the client is awaiting a PI award that will make her ineligible for Medi-Cal).

<sup>3</sup> We assume that the typical disabled or aged recipient will receive benefits for at least three years (36 months), and that projecting beyond this time would be speculative. This maximum should be shortened if the facts warrant (e.g., only retroactive benefits are awarded, or the client is awaiting a PI award that will make her ineligible for Medi-Cal)

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
Denial of medical service	Payment for the service is obtained	Medi-Cal payment rate for the particular service	Self-explanatory
Denial of dental service	Payment for the service is obtained	Medi-Cal payment rate for the particular service	Self-explanatory
Medi-Cal share of cost issue	Share of cost set by the state is reduced or eliminated	New Application: value of monthly benefits less share of cost x 36 months Recipient hit with share of cost: Amount by which the share of cost was reduced x 36 months	Assumes the factors affecting Share of Cost will not change significantly for 36 months
MediCal HMO	Resolved problem	Problem resolved	Unknown (depends on problem)
MediCal Overpayment	Reduction or elimination of OP	Amount reduced or eliminated	Self-explanatory
EPSDT	Obtained coverage or service	Value of the service (using MediCal rate)	Self-explanatory
MediCal Other	Resolved problem	Unknown (depends on problem)	Unknown (depends on problem)
	Resolved billing problem	Amount reduced or eliminated	Self-explanatory
<b>Medicare</b>			
Medicare Elig (Denial)	Eligibility is established	Value of monthly benefits attained/retained* x ?? months = Dollar Value * Based on what Kaiser charges BayLegal, the value of one month's benefits for one person is \$500; for two people, \$1,000; for a family of three or more, \$1,500.	Need to determine appropriate length of time that client will be benefited

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
Medicare Elig (Termination)	Eligibility is retained	Value of monthly benefits attained/retained* x ?? months = Dollar Value	Need to determine appropriate length of time that client will be benefited
Medicare Part A (Hosp/ SNF/etc)	Resolved Part A problem	Value of the hospital or SNF visit	Self-explanatory
Medicare Part B (MD visits etc)	Resolved Part B problem	Cost of medical appt	Self-explanatory
Medicare HMO	Resolved problem	Unknown (depends on problem)	Unknown (depends on problem)
Medicare Other Denial of Service	Service provided	Value of the service	Self-explanatory
Medicare Part D (Drug coverage)	Resolved Part D problem	Value of the drugs obtained	Self-explanatory
<b>Other Health</b>			
Private Health Insurance	Resolved problem	Unknown (depends on problem)	Unknown (depends on problem)
IHSS Denial of Eligibility	Established IHSS eligibility	Value of increased hours x applicable hourly rate x 12 months	Self-explanatory
IHSS Reduction of Hours	Retained/increased IHSS hours	Value of increased hours x applicable hourly rate x 12 months	Self-explanatory
Paratransit Issues	Established/obtained Paratransit assistance	Est. rides per month x est. cab fee x months of eligibility	Self-explanatory

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
Healthy Families Program	Resolved problem	Unknown (depends on problem)	Unknown (depends on problem)
Nursing Homes	Resolved problem	Unknown (depends on problem)	Unknown (depends on problem)
Other Health Access Problem	Resolved problem	Unknown (depends on problem)	Unknown (depends on problem)
Medical Bill Collection	Bill reduced or eliminated	Amount by which reduced	Self-explanatory

**Calculating The Recovery Field in Public Benefits Cases**

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
<b>CalWORKs</b>			
CalWORKs denial CalWORKs termination	Benefits are won or retained by a client	Value of monthly benefits attained/retained x 18 months <sup>4</sup> (less if 60 month time limit will be reached) = Dollar Value  Child only grant: multiply x 36 months	Assumes that an adult caretaker will continue to receive benefits for 18 months; and that a child receiving a child only grant will receive benefits for 36 months
CalWORKs WtW sanction	Sanction is avoided	Sanction amount x months it no longer is imposed	Self-explanatory
CalWORKs Overpayment	Overpayment is reduced or eliminated	Amount of the reduction of the overpayment	Self-explanatory
CalWORKs MFG	Benefits are won or retained by a client	Value of any retroactive benefits plus grant increase x 18 months	Assumes that the client will continue to receive benefits for 18 months
CalWORKs DV Waiver	Benefits are won or retained by a client	Value of any retroactive benefits plus grant increase x number of months benefits are extended under the waiver	Self-explanatory. Note: waiver often results in non-monetary benefits, e.g., if client is excused from WtW. Monetary benefits are received, however, where the waiver results in an extension of eligibility for cash benefits
CalWORKs SIP or	Client secures or	Value of program (e.g.	Assumes that 50% of the clients assisted will complete the

<sup>4</sup> According to HHS, 29% of CalWORKs adult recipients in 2005-06 received benefits for up to 12 months; 19% for up to 24 months; and 15% up to 36 months. 18 months splits the difference. See <http://www.acf.hhs.gov/programs/ofa/character/FY2006/tab17.htm>.

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
WtW Education & Training	retains access to education or training program	tuition) x half of the remaining months required for completing the training or educational program	program
CalWORKs: WtW activities WtW Supt Svcs	Client secures or retains support services (child care, mental health, transportation, etc.)	Child Care: monthly cost of care (Hrs x rate) x 18 months Transportation: monthly cost allowed x 18 months	Assumes that the client will continue to receive benefits for 18 months and be required to perform work activities during that time
Homeless Assistance	Benefits are won by a client	Temporary: total amt rec'd Permanent: total amt rec'd	Self-explanatory. Unfortunately, the value of housing stability can't be easily reduced to dollars
<b>Social Security</b>			
SSADIB Eligibility	Social Security disability benefits are won (new application) or retained (CDR)	Retroactive benefits + benefit rate x 36 months. (NOTE: If client's condition is NOT expected to improve, the number of month is 12 x 60% of life expectancy for a person of the same age. 60% takes into account lower life expectancy than healthier members of the age cohort and present value of the benefits)	Assumes that the average disability recipient will have a CDR some three years after establishing eligibility. Where the basis of eligibility is a disability expected to last for the rest of the client's lifetime, and a CDR is not likely to occur (see 20 CFR 404.1590) use the life expectancy set forth in the Social Security Administration's actuarial tables at: <a href="http://www.ssa.gov/oact/STATS/table4c6.html">http://www.ssa.gov/oact/STATS/table4c6.html</a> .

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
SSA Retirement SSA Survivors, Widows, etc	Social Security benefits are won or retained	Retroactive benefits + benefit rate x 60 months (adults) OR benefit rate x number of years to age 18 x 12	Assumes that the recipient will receive benefits for five years, or (if a child) until the age of majority
SSA Child's Benefits	Social Security benefits are won or retained	Retroactive benefits + benefit rate x number of years to age 18 x 12	Assumes that the recipient will receive benefits until the age of majority
SSA Overpayment	Overpayment is reduced or waived	Amount of the reduction of the overpayment	Self-explanatory
SSA Other	Depends on the issue	Depends on the issue	
<b>Supplemental Security Income</b>			
SSI denial SSID termination	SSI disability benefits are won (new application) or retained (CDR)	Retroactive benefits + benefit rate x 36 months. (NOTE: If client's condition is NOT expected to improve, the number of month is 12 x 60% of life expectancy for a person of the same age)	Assumes that the average disability recipient will have a CDR some three years after establishing eligibility. Where the basis of eligibility is a disability expected to last for the rest of the client's lifetime, and a CDR is not likely to occur (see 20 CFR 416.990), use the life expectancy set forth in the Social Security Administration's actuarial tables at: <a href="http://www.ssa.gov/oact/STATS/table4c6.html">http://www.ssa.gov/oact/STATS/table4c6.html</a> .
SSI denial or termination (not disability based – e.g., fleeing felon, income/resources)	SSI benefits are won or retained	Retroactive benefits + benefit rate x 36 months. (NOTE: If client's condition is NOT expected to improve, the number of	Assumes that the average disability recipient will have a CDR some three years after establishing eligibility. Where the basis of eligibility is a disability expected to last for the rest of the client's lifetime, and a CDR is not likely to occur (see 20 CFR 416.990), use the life expectancy set forth in

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
		month is 12 x 60% of life expectancy for a person of the same age)	the Social Security Administration's actuarial tables at: <a href="http://www.ssa.gov/oact/STATS/table4c6.html">http://www.ssa.gov/oact/STATS/table4c6.html</a> .
SSI Overpayment	Overpayment is reduced or waived	Amount of the reduction of the overpayment	Self-explanatory
SSI Other (incl in-home support & maintenance, etc)	SSI benefits increased	Retroactive benefits + benefit rate x 36 months	Assumes that the average disability recipient will have a CDR some three years after establishing eligibility
<b>Food Stamps (including CFAP)</b>			
Food Stamp denial Food Stamp termination	Benefits are won or retained by a client	Value of monthly benefits attained or retained x remaining months in certification period	Assumes that the client will continue to receive benefits thru certification period
Food Stamps FSET	Depends on the issue	Depends on the issue	
Food Stamps Overpayment	Overpayment is reduced or eliminated	Amount of the reduction of the overpayment	Self-explanatory
<b>Unemployment Insurance</b>			
den misconduct den vol quit den able & avail den other termination	Benefits are won or retained by a client	Value of weekly benefits attained or retained x remaining number of weeks of eligibility	Assumption that the client will continue to receive benefits until eligibility ends
UIB Overpayment	Overpayment is reduced or	Amount of the reduction of the overpayment	Self-explanatory



Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
	waived		
<b>General Assistance</b>			
GA denial GA termination	Benefits are won or retained by a client	Value of monthly benefits attained or retained x remaining months in certification period	Based on the assumption that the client will continue to receive benefits thru certification period
GA overpayment	Overpayment is reduced or eliminated	Amount of the reduction of the overpayment	Self-explanatory
GA WtW activities WtW Tng & Ed	Client secures or retains access to education or training program	Value of program (e.g. tuition) x half of the remaining months required for completing the training or educational program	Assumes that 50% of the clients assisted will complete the program
GA other	Depends on the issue	Depends on the issue	
<b>Cash Assistance Program for Immigrants</b>			
CAPI	Benefits are won or retained by a client	Retroactive benefits + benefit rate x 36 months	Assumes that the average disability recipient will have a CDR three years after establishing eligibility
<b>Miscellaneous Other Benefits</b>			
Disabled client access	Measures secured allowing access to benefits	???	

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
LEP client access	Measures secured allowing access to benefits	???	
Criminal record	Record expunged – job barrier overcome	???	
Drivers license	Obtained license – job barrier overcome	???	
Job license	Obtained license – job barrier overcome	???	

## IMMIGRATION

There are 14 primary Main Benefit codes for immigration cases. The first 13 are for extended service cases only. Whenever an extended service immigration case is closed, one of the first 13 Main Benefits must be used. The 14<sup>th</sup> Main Benefit code is only for non-extended service cases. The goal of immigration representation is to legalize the client's immigration status.

The main benefits for immigration are:

1. **Approved One Step (green card)** – This Main Benefit is used when doing the I-360, I-485, and I-765 in one packet.
2. **Approved I-360 (work permit)** – This Main Benefit is used when doing an I-360 only and includes the first post approval I-765 filing.
3. **Approved VAWA based AOS (green card)** – This Main Benefit is used when you already have an approved I-360 and would include the accompanying I-765 filing.
4. **Approved I-765 (work permit)** – This Main Benefit is used only for the annual renewal for a client who isn't yet able to adjust.
5. **Approved I-918 or I-918A (work permit)**
6. **Approved U based AOS (green card)**
7. **Approved I-751 (green card)**
8. **Approved N-400 (citizenship)**
9. **Approved T Visa (work permit)**
10. **Approved T based AOS (green card)**
11. **Approved VAWA COR (green card)**
12. **Approved Asylum (work permit)**
13. **Obtained representation on an immigration matter** – This Main Benefit is used when you get a denial on a case.
14. **A/C/Ref for Immigration** – This Main Benefit is used for advice & counsel, brief service (i.e., you only requested a cert. on a UVisa) or gave a referral. If advice or referral, use closing code A. If you requested a cert for the client, use closing code B.

At this time, you are not required to complete the recovery field in immigration cases.

## FAMILY LAW

In the area of family law, there are eight primary Main Benefits.<sup>5</sup> Whenever an extended service family law case is closed, one of the first six Main Benefits must be used. The last two Main Benefits are to be used in cases where we provided advice, brief service or referral only—one for DV/SA/stalking cases and one for all other family law matters.

Each case must have one primary Main Benefit. That Main Benefit should be the Main Benefit that best describes the resolution of the cause of action in your case. So in a dissolution action, the primary Main Benefit should be Obtained divorce/separation/nullity or defeated nullity request. Similarly in a restraining order action, the appropriate primary Main Benefit will ordinarily be “Obtained or defeated protective order for DV/SA or stalking victim.”

In most family law cases, there will be several significant Main Benefits which a client has obtained through extended representation. You should include all of the most significant Main Benefits your client obtained when closing a case. So in a dissolution action, in addition to the primary Main Benefit of “Obtained divorce/separation/nullity or defeated nullity request” you may also include, for example “Obtained, maintained or modified custody/visitation” and “Obtained, maintained or modified child or spousal support.” The Main Benefits should be prioritized according to how you spent your time on a case. For example, if in a divorce, the bulk of the case was spent on property and support issues, but custody was uncontested, then your Main Benefits would be: 1) Obtained Divorce/ Sep/Nullity or Defeated Nullity Request, 2) Obtained or Defeated Property Rights/Distribution Request, and 3) Obtained, maintained or modified child or spousal support

The eight Main Benefits for family law actions are:

1. **Obtained divorce/separation/nullity or defeated nullity request** – This will likely be the most commonly used primary Main Benefit. In virtually all of the cases where this is the primary Main Benefit, there will be secondary Main Benefits that should be entered.
2. **Obtained or defeated protective order for DV/SA or stalking victim** – This will be the primary Main Benefit in all protective order cases, but may be a secondary Main Benefit in dissolutions, paternitys or custody actions. In cases where we have represented the client, but not been successful, i.e. our request for orders was denied, or an order was issued against our client, this is the appropriate Main Benefit, however the outcome must be entered as lost or unfavorable.

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<sup>5</sup> There are five additional Main Benefits in family law we rarely use and are therefore not addressed in this protocol but do exist in PRIME. When dealing with a case that falls into one of these categories, consult with your managing attorney about the best codes to use. (eg. (Adoptions[3001]; Guardianships [3301-3302]; Identity Changes [3401]; and Parental Rights Term [3501].)

3. **Obtained/maintained/modified custody/visitation** - In most cases the custody/visitation requests will be one of the orders requested pursuant to the underlying cause of action and, hence, one of the possible secondary Main Benefits in the case. In some cases, however, we may just be representing the client on her custody/visitation matter, such as in a case where the restraining order has been granted, but the request for custody/visitation orders is still pending. In those cases, resolution of the custody/visitation matter will be the primary Main Benefit.
4. **Obtained or defeated property rights/distribution request** – We do not ordinarily represent clients solely on property matters, so this will rarely or never be used as the primary Main Benefit in a case. However, it is an important secondary Main Benefit in dissolutions and some restraining order actions.
5. **Obtained, maintained or modified child or spousal support** – As with property rights, we rarely, if ever, represent a client solely on a support matter. Therefore, this will usually be a secondary Main Benefit, but not a primary Main Benefit.
6. **Established or opposed parentage request** – This will be the primary Main Benefit in paternity actions, but might also be a secondary Main Benefit in dissolution or custody petition proceedings.
7. **Obtained advice, brief service or referral in DV/SA or stalking matter** – this Main Benefit is only used for non-extended service DV/SA or stalking cases
8. **Obtained advice, brief service or referral in a family law matter** – this Main Benefit is only used for non-extended service cases where there is no DV/SA or stalking.

## Monetary Recovery in Family Law Cases

In family law it is difficult to quantify the value of some of the Main Benefits we obtain for clients. We cannot place a monetary value on obtaining a divorce or restraining order. However, we can and should be putting into case outcomes monetary values for those things we can quantify: 1) Child Support Orders, 2.) Spousal Support Orders and 3.) Property Distributions.

Type of Case	Benefit Received	Estimating the Dollar Value of the Benefit Received	Justification for Calculation
Property Distributions	Some amount of property was distributed to client or for net negative estates, some amount of debt was allocated to the OP.	Calculate the net value to the client of the property distributed to her. Put that sum in Recovery \$. Put the amount of debt assigned to opposing party in the box for \$ avoided.	Assumes that the client would not have been able to achieve a property distribution without the assistance of counsel.
Child Support Cases	Client receives some order entitling her to monthly dollar amount from OP.	This will never be an infallibly correct figure, since most support orders are subject to modification. Where our client has not assigned her right to support to the county, calculate the total yearly amount for each child times the number of years until that child reaches 18 and add those sums. Enter that figure in the Recovery \$ box.	
Spousal Support Cases	Client receives some order entitling her to monthly dollar amount from OP	In most cases you will have a fixed monthly amount for a specific period of time. If a termination date is not specified calculate the support for ½ the duration of the marriage. Put this figure in the Recovery \$ box.	

Add all Recovery \$ sums together.

## OUTCOME

Given the posture of the case as presented by the client, the outcome achieved can be seen as favorable or unfavorable to the client. PRIME has a separate field for stating the **Reason Closed** (e.g., "counsel and advice" or "court decision") and the **Outcome** (e.g., "unfavorable" or "Won"). BOTH must be filled out.

In cases in which all we provided was counsel and advice, brief service consisting of preparation of pro per pleadings or requesting an administrative hearing, or referral we cannot say whether the outcome was favorable or unfavorable. An outcome of "Advice Only" should be put for these cases.

The definitions of won, favorable, unfavorable, or lost are points along a continuum, and the meaning of each "outcome" will depend on the nature of the case. These categories inevitably have a subjective aspect since "success" also depends on what the client actually wanted and what was actually achievable given the posture of the case as presented. Nevertheless, in an attempt to be objective, and given that BayLegal will only represent a client with meritorious cases, listed below are examples of factors looked at to determine the degree of "success" achieved in particular types of cases:

### Outcome Continuum

<b>Lost</b>	<b>Unfavorable</b>	<b>Favorable</b>	<b>Won</b>
<b>Examples</b>			

Matter Type	Example of Outcome & Measurement of "Success"
Housing	<p><b><u>Won:</u></b> client retains subsidized housing unconditionally: Won</p> <p><b><u>Favorable:</u></b> Client Retains Housing with Probationary Period or Client Vacates on Favorable Terms</p> <p><b><u>Unfavorable:</u></b> Client Vacates on Unfavorable Terms (e.g., with a Judgment for Money Damages entered)</p> <p><b><u>Lost:</u></b> Court Ordered Judgment Evicting Client and Awarding Landlord Damages</p>
Custody & Visitation (no other issues, including divorce, support, etc)	<p><b><u>Won:</u></b> custody awarded client along with visitation restrictions sought by client.</p> <p><b><u>Favorable:</u></b> custody awarded but more visitation awarded non-custodial parent that client would want.</p> <p><b><u>Unfavorable:</u></b> client not awarded custody but client awarded reasonable visitation.</p>

Matter Type	Example of Outcome & Measurement of "Success"
	<b><u>Lost:</u></b> client not awarded custody or reasonable visitation
Divorce (incl. Annulment, Legal Separation) sought	All cases would be <b><u>"Won"</u></b> unless the parties reconciled or lost contact (in which case, the case would be closed as "Client Withdrew" and the highest outcome "Brief Service" [where pleadings were filed])
MediCal Denial (non-disability reason)	<b><u>Won:</u></b> Eligibility Established  <b><u>Favorable:</u></b> Conditional Withdrawal (good shot at establishing eligibility)  Unfavorable: Conditional Withdrawal (poor chance of establishing eligibility)  <b><u>Lost:</u></b> Denial Upheld
MediCal Denial (based on lack of disability)	<b><u>Won:</u></b> Eligibility (including Closed Period if sought) Established  Favorable: Conditional Withdrawal (good shot at establishing eligibility)  Unfavorable: Conditional Withdrawal (poor chance of establishing eligibility)  <b><u>Lost:</u></b> Denial Upheld
MediCal Overpayment	<b><u>Won:</u></b> Overpayment Withdrawn/Waived  <b><u>Favorable:</u></b> Overpayment Substantially Reduced or Conditional Withdrawal with good shot at defeating overpayment  <b><u>Unfavorable:</u></b> Conditional Withdrawal with poor chance of defeating overpayment or Overpayment Only Partially Reduced  <b><u>Lost:</u></b> Overpayment Fully Upheld
MediCal or DentiCal Service Denial (Treatment Authorization Request Denied)	<b><u>Won:</u></b> Service Authorized and Provided  <b><u>Favorable:</u></b> Conditional Withdrawal (good shot at authorization)  <b><u>Unfavorable:</u></b> Conditional Withdrawal (poor chance of authorization)  <b><u>Lost:</u></b> Denial Upheld



Matter Type	Example of Outcome & Measurement of "Success"
MediCal Termination	<p><b><u>Won:</u></b> Termination Withdrawn</p> <p><b><u>Favorable:</u></b> Conditional Withdrawal with good shot at retaining eligibility)</p> <p><b><u>Unfavorable:</u></b> Conditional Withdrawal with poor chance of retaining eligibility</p> <p><b><u>Lost:</u></b> Termination Upheld</p>
Other Health	
In-Home Supportive Services	<p><b><u>Won:</u></b> Hours/Service Requested Authorized or Reduction Withdrawn</p> <p><b><u>Favorable:</u></b> Conditional Withdrawal (good shot at authorization, withdrawal of reduction or substantial decrease in reduction of hours or service)</p> <p><b><u>Unfavorable:</u></b> Conditional Withdrawal (poor chance of above)</p> <p><b><u>Lost:</u></b> Denial/Reduction Upheld</p>
CalWORKS	
CalWORKS Denial	<p><b><u>Won:</u></b> Eligibility Established</p> <p><b><u>Favorable:</u></b> Conditional Withdrawal (good shot at establishing eligibility)</p> <p><b><u>Unfavorable:</u></b> Conditional Withdrawal (poor chance of establishing eligibility)</p> <p><b><u>Lost:</u></b> Denial Upheld</p>
CalWORKS Termination	<p><b><u>Won:</u></b> Termination Withdrawn</p> <p><b><u>Favorable:</u></b> Conditional Withdrawal with good shot at retaining eligibility)</p> <p><b><u>Unfavorable:</u></b> Conditional Withdrawal with poor chance of retaining eligibility</p> <p><b><u>Lost:</u></b> Termination Upheld</p>

Matter Type	Example of Outcome & Measurement of "Success"
CalWORKS Overpayment	<p><b><u>Won:</u></b> Overpayment Withdrawn/Waived</p> <p><b><u>Favorable:</u></b> Overpayment Substantially Reduced or Conditional Withdrawal with good shot at defeating overpayment</p> <p><b><u>Unfavorable:</u></b> Conditional Withdrawal with poor chance of defeating overpayment or Overpayment Only Partially Reduced</p> <p><b><u>Lost:</u></b> Overpayment Fully Upheld</p>
Food Stamps or CFAP	
Food Stamp Denial	<p><b><u>Won:</u></b> Eligibility Established</p> <p><b><u>Favorable:</u></b> Conditional Withdrawal (good shot at establishing eligibility)</p> <p><b><u>Unfavorable:</u></b> Conditional Withdrawal (poor chance of establishing eligibility)</p> <p><b><u>Lost:</u></b> Denial Upheld</p>
Food Stamp Overpayment	<p><b><u>Won:</u></b> Overpayment Withdrawn/Waived</p> <p><b><u>Favorable:</u></b> Overpayment Substantially Reduced or Conditional Withdrawal with good shot at defeating overpayment</p> <p><b><u>Unfavorable:</u></b> Conditional Withdrawal with poor chance of defeating overpayment or Overpayment Only Partially Reduced</p> <p><b><u>Lost:</u></b> Overpayment Fully Upheld</p>
Food Stamp Termination	<p><b><u>Won:</u></b> Termination Withdrawn</p> <p><b><u>Favorable:</u></b> Conditional Withdrawal with good shot at retaining eligibility)</p> <p><b><u>Unfavorable:</u></b> Conditional Withdrawal with poor chance of retaining eligibility</p> <p><b><u>Lost:</u></b> Termination Upheld</p>
Supplemental Security Income	
SSI Denial based on lack of disability	<p><b><u>Won:</u></b> Eligibility Established</p> <p><b><u>Favorable:</u></b> Remand (good shot at establishing eligibility)</p>

Matter Type	Example of Outcome & Measurement of "Success"
SSI Denial (non-disability)	<p><b><u>Unfavorable:</u></b> Remand (poor chance of establishing eligibility)</p> <p><b><u>Lost:</u></b> Denial Upheld</p>
SSI Overpayment	<p><b><u>Won:</u></b> Overpayment Withdrawn/Waived</p> <p><b><u>Favorable:</u></b> Overpayment Substantially Reduced</p> <p><b><u>Unfavorable:</u></b> Overpayment Only Partially Reduced</p> <p><b><u>Lost:</u></b> Overpayment Fully Upheld</p>
SSI Cessation of Disability  SSI Termination (non-disability issue)	<p><b><u>Won:</u></b> Eligibility Established</p> <p><b><u>Favorable:</u></b> Remand (good shot at establishing eligibility)</p> <p><b><u>Unfavorable:</u></b> Remand (poor chance of establishing eligibility)</p> <p><b><u>Lost:</u></b> Termination Upheld</p>
Unemployment Insurance	
UIB Denial - Misconduct  UIB Denial - Voluntary Quit  UIB Denial - Not Able and Available@  UIB Denial - Other Grounds	<p><b><u>Won:</u></b> Eligibility Established</p> <p><b><u>Favorable:</u></b> Remand (good shot at establishing eligibility)</p> <p><b><u>Unfavorable:</u></b> Remand (poor chance of establishing eligibility)</p> <p><b><u>Lost:</u></b> Denial Upheld</p>
UIB Overpayment	<p><b><u>Won:</u></b> Overpayment Withdrawn/Waived and Penalty Avoided</p> <p><b><u>Favorable:</u></b> Overpayment Substantially Reduced and Penalty Avoided or Substantially Reduced</p> <p><b><u>Unfavorable:</u></b> Overpayment Only Partially Reduced and Penalty Fully or Partially Imposed</p> <p><b><u>Lost:</u></b> Overpayment Fully Upheld</p>
Other Income Maintenance (including GA and CAPI)	

Matter Type	Example of Outcome & Measurement of "Success"
GA Denial	<p><b><u>Won:</u></b> Eligibility Established</p> <p><b><u>Favorable:</u></b> Notice Withdrawn (good shot at establishing eligibility)</p> <p><b><u>Unfavorable:</u></b> Notice Withdrawn poor chance of establishing eligibility)</p> <p><b><u>Lost:</u></b> Denial Upheld</p>
GA Termination	<p><b><u>Won:</u></b> Eligibility Established</p> <p><b><u>Favorable:</u></b> Notice Withdrawn (good shot at establishing eligibility)  <b><u>Unfavorable:</u></b> Notice Withdrawn (poor chance of establishing eligibility)</p> <p><b><u>Lost:</u></b> Denial Upheld</p>
GA Overpayment	<p><b><u>Won:</u></b> Overpayment Withdrawn/Waived</p> <p><b><u>Favorable:</u></b> Overpayment Substantially Reduced or Notice Withdrawn with good shot at defeating overpayment</p> <p><b><u>Unfavorable:</u></b> Notice Withdrawn with poor chance of defeating overpayment or Overpayment Only Partially Reduced</p> <p><b><u>Lost:</u></b> Overpayment Fully Upheld</p>



**BAY AREA LEGAL AID**

WORKING TOGETHER FOR JUSTICE

## **2010 RECOVERY STATISTICS\***

	<u>RECOVERED</u>	<u>AVOIDED</u>
FAMILY:	\$3.5 million	\$270,000
JUVENILE:	\$635,000	
HEALTH:	\$4 million	\$350,000
HOUSING:	\$4.5 million	\$3.2 million
PUBLIC BENEFITS:	\$11.6 million	\$650,000
INDIVIDUAL RIGHTS:	\$37,000	\$39,000
<b>TOTAL RECOVERY:</b>	<b>\$24,272,000</b>	
<b>TOTAL AVOIDED:</b>		<b>\$4,509,000</b>

\*evaluation tools used in 2009, but results were preliminary.