

**Building Self-Advocacy Skills of Legal Services Clients:
Three Principles for Promoting an Innovation in Practice**

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Opportunities in the Legal System to Build Clients’ⁱ Capacity for Advocacy and Agency

Americans in low-income communities have millions of encounters with the legal system every year, whether they are facing eviction, recovering benefits, fighting for disability access, fleeing domestic violence, filing for bankruptcy, or defending themselves in a criminal proceeding. Even with legal representation, many people find these encounters profoundly disempowering and disorienting, reinforcing the message they receive from many quarters that they do not have a voice in decisions that affect them.

In one study, low-income litigants and people in administrative and criminal proceedings recount feelings of confusion, fear, and loss of control and dignity. As a participant reported, “I had all this documentation and papers and things with me, and no one cared. That guy, he used words I didn’t even understand. And I remember he asked me a question, but I couldn’t even tell he was speaking to me so I didn’t answer. And then he got angry.” Another said, “It’s so confusing! I didn’t know who my lawyer was and I couldn’t understand nothing he was saying. I couldn’t even hear the judge. The case was over, and I didn’t even get to say anything - I don’t know why to this day! It’s messed up.”ⁱⁱ

Lawyers and other legal advocates serving low-income communities, frustrated by overwhelming caseloads and a lack of resources, see this dynamic firsthand. They also see that their clients are expected to navigate not only the legal system but also a vast network of services and public institutions with minimal assistance, where they experience similar feelings of disempowerment.

In a context where there is immense need and resources are scarce, how can we support a new way of working that fosters agency for clients and alleviates the overwhelming demands on lawyers?

At the Right Question Institute (RQI), we develop a range of methods and tools to teach skills essential for self-advocacy, participation, and agency. Our educational strategy helps people working on the front lines, in direct services, build the ability of their clients to: a) ask better questions, and b) participate more effectively in decisions that affect their lives and the lives of their families.

Our mission stems from the insight of people who explained that they do not participate because they “don’t even know what questions to ask.” This overlooked barrier to self-advocacy and participation -- not knowing what to ask-- is the focus of our work, continuously informed by new lessons from both frontline workers and people in a range of communities across the country and beyond.

Recently RQI has supported legal professionals and advocates, from attorneys to court navigators to community justice volunteers, who want to use RQI's methods to build their clients' ability to ask questions and participate in decisions. Clients can use these skills to navigate, advocate for themselves, and take action on their own

behalf, not only in the legal system but also in all places where decisions are being made that affect them -- in their children's schools, the welfare office, community health centers, and beyond.

Lessons for Scaling a Change in Practice

RQI's methods require a shift in the way that people in the legal field are used to working with those they serve: from solely advocating "on behalf of," to investing in building clients' skills as a part of their regular flow of work with clients. Is it possible to achieve a small but significant "shift in practice" in an existing infrastructure with an established way of working with clients?

"What I appreciate about the Right Question Institute is its effort to meet people where they are. Equally important is its recognition that no system, no professionals, no individual dealing daily with large numbers of people can meet all their needs without the avid involvement of those whose needs are to be met." -- Martha Minow, 300th Anniversary University Professor, Harvard Law School

At RQI we have learned how to support changes in practice on a large scale, leveraging an existing infrastructure of services and institutions in many fields.

The communities we have worked with for more than 30 years have taught us that the skills of asking questions and participating effectively in decisions are universally relevant and transferable. People who have learned the skills in one context find them useful in other equally important settings, whether in their children's schools, the housing authority, their medical appointments, or the welfare office. Based on what we have learned from the people we were working with, we have successfully developed ways to teach the skills across many different fields, including social services, adult education, health care, and school-family engagement.

Two of our simple tools or protocols -- the Question Formulation Technique (QFT) and the Voice in Decisions Technique (VIDT) -- have been proven remarkably effective in a variety of contexts. These include a National Institutes of Health (NIH) study of use by patients in low-income communities, National Science Foundation-sponsored research on improving graduate students' question asking skills, and the classrooms of thousands of teachers in more than 150 countries. When used in community-based settings, the tools build a new capacity for agency and self-efficacy. Faye Kennedy, an experienced community educator and advocate at the Center for Collaborative Planning in Sacramento, California, explained, "[the Right Question Strategy] allows people who don't usually speak up to find their own voice. They don't have to depend on me or others to speak for them ... they speak for themselves."

Based on our work in low-income communities around the country, we have identified how to promote innovative practices for frontline workers. We have distilled these lessons down to three essential principles that can help guide efforts to promote and scale improvements in practice:

- Use simple methods that can be easily learned, integrated into ongoing practice, and quickly shared with clients.
- Find “early adopters” in each field who are willing to experiment and refine the methods and initiate the change in practice.
- Tap into the power of peer-to-peer networks to inform, support, and advocate for each other.

Principle 1: Use simple methods that are easy to use and adapt to different contexts and can be integrated into existing ways of delivering services

In our early collaborations with direct service providers, we designed days-long comprehensive workshops that were complicated and burdensome to learn and to facilitate. We continuously heard the message that providers needed something that they could easily integrate into their existing workflow, and something they could adapt and teach on the fly, in a short amount of time.

We learned from each field about how they adapted what we shared with them. Frontline workers began using our resources in new ways: in one-on-one interactions with people preparing to negotiate with the housing authority, to quickly prepare a parent for an IEP meeting, to help young single parents apply for benefits, to teach the existing GED curriculum. They highlighted for us the need for simplicity. They also showed us that the strategy was more effective when it was integrated into existing ways of working, not as a discrete program. Eventually, with help from adult educators, service providers, and community health workers, we designed methods that can help people acquire sophisticated advocacy skills in as little as seven minutes.

Our work in health care has shown us that these brief interventions can succeed. Research, including a NIH-funded study and randomized control trial, has shown the effectiveness of the Right Question Strategy in promoting patient engagement, strengthening doctor-patient partnerships, and improving health care outcomes. In one study, a 10-minute intervention in community health center waiting rooms in New York dramatically increased patients’ score on the validated “Patient Activation Measure” (PAM),ⁱⁱⁱ which assesses patients’ knowledge, skills, and confidence in managing their health care.^{iv}

Principle 2: Find the “early adopters:” people willing to experiment with innovation and refine the methods in their respective fields

Creative “early adopters” have shown us how to adapt our strategy to many fields and have paved the way for other frontline workers to do the same. They demonstrated the interconnectedness of services and the relevance of the skills we teach in many arenas.

An adult educator working in a federally funded, state administered family literacy program was teaching a class of young mothers in New Hampshire. These mothers were trying to support their children’s literacy development, while also taking classes for an adult diploma, and seeking job training services via the local welfare office. The students would come to the adult literacy class and talk about their experiences in the welfare office, and how their benefits were being cut and they never knew why.

The adult educator used the problem as a starting point for teaching the women the Right Question Strategy, and then gave them a “Right Question Notebook” that they would use to create and prioritize questions for their

caseworkers at the welfare office. They then went to the office prepared with their questions, and in their meetings, wrote down when decisions were being made and asked the caseworkers to put their initials by each decision. Two weeks passed and the culture of the office began to change; the common explanations and excuses about “not getting your paperwork,” or “you didn’t file on time,” or “you didn’t show up” stopped cold.

The women then taught the same strategy to their neighbors in their public housing development, using it to secure more support for their children at the school and better job training services through the welfare office.

We have also seen in field after field that early adopters are critically important agents for scaling the use of RQI’s methods. After the publication of *“Make Just One Change: Teach Students to Ask Their Own Questions”* (Harvard Education Press 2011), the use of the Question Formulation Technique (QFT) in education began to rapidly grow. The QFT spread at first through a handful of teachers who immediately saw the relevance of teaching their students to ask questions and quickly adapted the method to their curriculum. They paved the way for other educators who built on their use of the QFT to different subjects, grade levels, and school contexts. They started a replication process that took off with the addition of the following principle.

Principle 3: Make it easy for peer-to-peer networks to inform, support, motivate, and advocate

Peer-to-peer learning networks of service providers have proved to be the most effective at scaling a change in practice. Providers and frontline workers can inform each other and model how to use innovative methods, support and troubleshoot, and advocate for change at higher levels.

Our early adopters in education used it in their work and shared with their peers. They wrote blogs about how they structured their lessons, discussed at conferences, incorporated the method into professional development training, and formed a network of QFT users across the globe. RQI’s online network now has more than 55,000 members from over 150 countries who have helped bring the QFT to more than a million classrooms. Many are individual teachers who spread a change in practice from the bottom up, influencing colleagues, administrators, policymakers, and academics. Their initiative as change agents has been noted by thought leaders in different fields, including Adam Grant of the Wharton School of the University of Pennsylvania, who in an interview with *The Atlantic* spoke about encouraging “teachers to take a page out of the Right Question Institute and help students learn to formulate great questions.”^v

Supporting Innovation in Legal Service Delivery

“We can ... empower clients not only in our consultations but also in the courtroom, where they often feel powerless. A lot of times clients don’t know they have the ability to ask questions — particularly in the courtroom. These skills will be valuable to give them a voice and to think about ways they can gather much-needed information.” — Family court lawyer, New York

Lawyers, social workers, and others in the overworked, under-resourced world of legal services face overwhelming demand for their assistance. They are positioned at the intersection of many services and systems yet cannot accompany their clients in all their interactions with public institutions. As a law school clinical instructor expressed to us, her clients face “uphill battles” during and after every case; they seek her out for help

applying for food stamps or to understand why the RMV refused to give them a driver's license and may miss their appointments with her because they have to work or cannot find childcare.

Teaching skills for self-advocacy and agency is one simple way to begin to address these challenges. We can support both legal professionals on the front lines, burdened with heavy caseloads, and for their clients, navigating a vast network of systems. As one lawyer learning to use the RQI's strategy said, "I found ways to

help my clients and litigants be better advocates for themselves. They can learn how to ask better questions and gain confidence not only in court but in other areas of their lives."

Many idealistic and determined legal advocates, from lawyers to community justice center volunteers, are looking for innovative ways to help their clients deal with the range of challenges they face across all services and institutions. These professionals are perfectly poised to support a change in practice that leads to greater client agency and advocacy.

If new methods are simple and easy to integrate into their work, they can then share the methods through the extensive networks where peer-to-peer learning takes place in the legal field. These include professional associations which require continuing legal education and provide resources to its members, specialty areas networks that run conferences and communicate about developments in the field, and coalitions that collaborate on cases and policy advocacy. Lawyers and legal advocates, like educators, are constantly learning from and supporting each other to develop their practice. Perhaps most importantly, individual legal practitioners and organizations have the autonomy to experiment with new methods of working with clients.

By promoting a simple but significant innovation in practice, legal professionals and advocates can strengthen the ability of legal service clients to have a voice in decisions, holding decision-makers accountable, exposing injustice, and improving the legal system and public institutions for all.

ⁱ For the purposes of this article, we use the word "client" to refer to the people frontline workers serve, and those navigating the legal system with or without legal representation.

ⁱⁱ Sara Sternberg Greene, "Race, Class, and Access to Civil Justice," *Iowa Law Review* 101 (2016): 1296, 1298, https://scholarship.law.duke.edu/faculty_scholarship/3450.

ⁱⁱⁱ Darwin Deen, Wei-Hsin Lu, Dan Rothstein, Luz Santana, Marthe R. Gold, "Asking questions: the effect of a brief intervention in community health centers on patient activation," *Patient Education and Counseling* 84, no. 2 (2011), 257-60, <https://pubmed.ncbi.nlm.nih.gov/20800414/>

^{iv} Judith H. Hibbard, Jean Stockard, Eldon R. Mahoney, Martin Tusler, "Development of the Patient Activation Measure (PAM): Conceptualizing and Measuring Activation in Patients and Consumers," *Health Services Research*, 39, no.4 (Aug. 2004), 1005, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1361049/>.

^v Jessica Lahey, "Educating an Original Thinker: How teachers and parents can identify and cultivate children who think creatively and unconventionally," *The Atlantic*, February 12, 2006, <https://www.theatlantic.com/education/archive/2016/02/educating-an-original-thinker/462468/>.