

ADVOCACY

1. Q: What is advocacy/an advocate?
A: Advocacy is to speak or write in support of something.
An advocate is a person who pleads another's cause such as a lawyer.
2. Q: Who is important in advocacy?
A: The person for whom you are advocating is the important person. You should know all of the relevant information concerning what this person wants, seems not to be able to get on their own, and has a legal or accepted moral right to have.
3. Q: Is objectivity important?
A: Objectivity is very important. It is applicable to both your client and to the organization/environment in which you are operating. Objectivity will gain you respect from both the person you are representing and the people with whom you are negotiating.
4. Q: What do you need to know to advocate for any position?
A: You should know thoroughly all of the laws, rules and regulations applicable to your client, the organization where they are enrolled and their choices within the correct application of the rules, etc.

For example: NYS MENTAL HEALTH LAW
HUTCHINGS PROCEDURES AND POLICIES
HUTCHINGS AFFIRMATIVE ACTION PLAN
US DISABILITY ACT OF 1989
HUTCHINGS PATIENTS RIGHTS PLAN
CIVIL LAWS AND COURT PROCEEDINGS

5. Q: What is negotiation/compromise?
A: Negotiation is the discussion or bargaining about an issue to reach an agreement. A settlement occurs when each side gives up some demands or makes some concessions. Both are important because they enable everyone involved to be a winner. Additionally, if a successful compromise is reached, the same people will more than likely be willing to work with you again because they were able to feel good about their last encounter with you.
6. Q: What other skills are important in becoming a successful advocate?
A: The ability to write and the ability to identify the basic issues for resolution.

A well written letter can set the stage for your upcoming meeting and let your participants know what to prepare for. It saves time and provides focus. The ability to identify the basic issues will help you to keep the discussion on the issues which are basic to a solution and not get side-tracked in asides which are not relevant or which can lead to personality conflicts, etc.

Grievances: Preparation and Presentation

A. INTRODUCTION

Advocacy, within the context of the grievance procedure, constitutes speaking for the client as he or she wishes. The advocate actively represents the client's view of what he/she needs, structuring the best possible argument for that view regardless of what the advocate thinks of the complaint or the client. He/she may take the dominant role of primary spokesperson or rather serve in a supplementary capacity, depending on the desires and abilities of the client.

In either case, the advocate or patient's representative should use his/her skills at a hearing, emphasizing the strengths of the client's case while criticizing the weak links in the opposing argument. The advocate should think in terms of questions, of forcing the other side to actively prove its assertions and show logical bases for its arguments. The advocate should guide the client without manipulating, reaching an agreement with the client on the best possible course of action to take without imposing values on the client or straying from the relief that the client seeks. During the hearing, the job of the advocate is to believe in and fight for the client's case.

B. HEARING PREPARATION CHECKLIST

1. Essential items

- a) If you think the complaint represents an emergency for the client, tell the Hearing Examiner or the Coordinator of Client Advocacy so that the hearing may be held immediately.
- b) Make sure that the client wants to go through a hearing and understands what his rights are; if any risks exist in asking for a hearing, the client should understand this as well.
- c) Make sure you have completed all necessary investigation and/or research before you go into the hearing.
- d) Know the regulations, statutes, and previous decisions relevant to your client's case.
- e) Decide whom you will call as witnesses, if any.
- f) Familiarize your client with the procedures of the hearing.
- g) Let your client know, generally, what is expected of him at the hearing, and what he can anticipate from the other side.

has little in common with an advocate who is a white, single, 24-year old male who finished college and is thinking about graduate school, and who was born and raised in Poughkeepsie, New York. If an arrogant, spiteful IM (Income Maintenance Specialist) worker who looks somewhat like the advocate is added to this relationship, a client is certainly not pre-disposed to rely wholeheartedly on the advocate, and the advocate, despite the best of intentions, may have attitudes that preclude real communication.

We offer no solution, but thoughtful recognition that barriers are created from assumptions and attitudes of different backgrounds is an essential first step, and an honest effort to discover particular assumptions and attitudes is the next step.

C. GET THE FACTS

An advocate must have a thorough understanding of the facts of a client's case. Much information can be obtained from the client, but the client's understanding of the problem may be blurred by the trauma of a shouting match with an IM worker or blocked by ignorance of the complexities of the bureaucracy. Accordingly, you should check with caseworkers, employees in other agencies, and anyone else with relevant information. Where inconsistencies appear, the client should be consulted to refine the issue in dispute. An advocate must often go through several phone calls to caseworker and client before getting the facts straight.

D. KNOW THE REGULATIONS

An advocate must be able to cite specific authority for each demand made on behalf of a client. To demand assistance "because the client needs it" or because "it's stupid to deny it" is generally a waste of time. Citation to legal authority is an important lever: it may intimidate a worker; it will at least put the worker on notice that he is being requested to perform a legal obligation.

If you do not know the particular regulation governing a dispute, demand that the worker cite a specific regulation or other authority in support of the denial of a client's request. If the worker gives a citation, obtain a copy and determine whether it actually supports the worker's decision. All regulatory material should be available for inspection. Many private agencies, including legal services offices, maintain complete sets of regulatory materials.

E. KNOW THE CHAIN OF COMMAND

Knowledge of the facts and the regulations is useless when a worker insists on being arbitrary. The best way to deal with this situation is to demand to speak with the worker's supervisor, who will probably be in charge of a particular unit (such as applications, recertification or unemployment). If the supervisor gives no satisfaction, you must go up the chain of command to the assistant office manager, then to the director of Income

Maintenance.

Often the person at the next higher level is more experienced, more detached, and less arbitrary than the person in the lower position. If the advocate's understanding of the facts and regulations is correct, the disputed decision will often be reversed somewhere up the chain of command. Even if the disputed point is genuinely unclear or a matter of discretion you may get what you want just because the bureaucrats tire of responding to a persistent advocate.

F. BE AGGRESSIVE

Advocates generally have the advantage of a morally righteous position.. The resulting sense of outrage, if properly directed, can help you help your client. Free expression of the advocate's anger over an obstinate worker's failure to fulfill legal obligations often induces the worker to reverse his decision.

On the other hand, uncontrolled anger is usually unproductive, especially if the worker is verbally assaulted at the outset of negotiations. As a general rule, no matter how frustrated you are, you should start negotiations in a calm, reasoned manner, and only gradually expose feelings of anger as obstinacy is expressed by the opposition.

/mae