



LASC

The Legal Aid Society of Columbus

BRIEF ADVICE CLINICS

TIPS FOR THE VOLUNTEER LAWYER





LASC

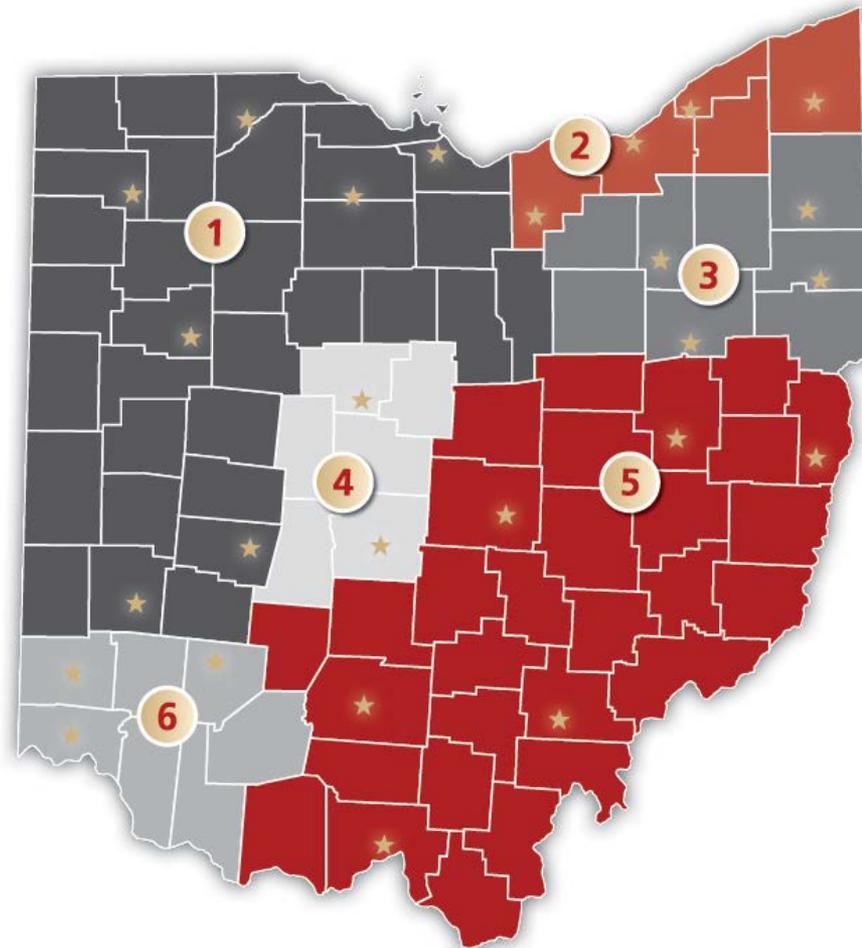
The Legal Aid Society of Columbus

Dianna Parker
Ohio State Legal Services Association
Director of Pro Bono & Community Engagement

The Plan

- Description of procedures and eligibility requirements
- Tips for Client Interviews
- Accepting a case for full representation & How to do it
- Available Clinic Resources
- “New” Supreme Court Rules Relevant to Pro Bono
- Relevant Rules of Professional Conduct

Ohio Legal Aid Programs



Ohio Legal Aid Programs

- [The Legal Aid Society of Columbus](#), serving central Ohio in Delaware, Franklin, Madison, Marion, Morrow and Union Counties.
- [Southeastern Ohio Legal Services](#) in southeastern Ohio serving Adams, Athens, Belmont, Carroll, Coshocton, Fairfield, Fayette, Gallia, Guernsey, Harrison, Hocking, Holmes, Jackson, Jefferson, Knox, Lawrence, Licking, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Scioto, Tuscarawas, Vinton, and Washington Counties.

Brief Advice Clinic Procedures & Eligibility

Pick a Brief Advice Clinic

Columbus:

Monday Clinics	Site
1 st of the Month, 6:00 PM	Jewish Family Services 1070 College Ave. – East
2 nd of the Month, 5:30 PM	Van Buren <u>Adult</u> Shelter 595 Van Buren Dr. - West
4 th of the Month, 6:00 PM	New Salem Missionary Baptist 2956 Cleveland Ave., North
4 th of the Month, 5:30 PM	Van Buren <u>Family</u> Shelter 595 Van Buren Dr. - West

Pick a Brief Advice Clinic

Columbus:

Tuesdays	Site	
1st of the Month, 5:30 PM	Westerville Public Library,	126 S. State St.
2nd of the Month, 5:30 PM	First Church of God Southeast	3480 Refugee Road,
2nd of the Month, 6:00 PM	YWCA Family Center	900 Harvey Court
3rd of the Month, 5:30 PM	Son Ministries at UALC The Church at Mill Run 3500 Mill Run Drive, Hilliard	
LAST of the Month, 12-1:30 PM	Franklin County Muni Self Help Center S. High St., 6 th Floor	375

Pick a Brief Advice Clinic

Columbus:

Wednesdays		
1 st of the Month, 5:30 PM	Bhutanese Community of Central Ohio 4646 Tamarack Blvd – North, near Morse	
2 nd of the Month, 5:30 PM	Faith Mission on 8 th single men)	599 East 8th Avenue (serves single men)
4 th of the Month, 5:30 PM	Mt. Olivet Baptist Downtown	428 E. Main St.,
4 th of the Month, 5:30 PM	Faith Mission Downtown (serves single adults)	217 N. Grant Ave.

Pick a Brief Advice Clinic

Columbus:

Thursdays	
1st of the Month, 5:30 PM	Broad St United Methodist 501 E. Broad St., Downtown
2nd of the Month, 5:30 PM	Crossroads UMC 100 South Hague Ave., Hilltop
3rd of the Month, 5:30 PM	Broad Street Presbyterian 760 East Broad St., Downtown
4th of the Month, 5:30 PM	First English Lutheran 1015 E. Main St., Near East
Every Thursday, 9 AM-12:00	Chalmers P. Wylie VA Ambulatory Care Center 420 N. James Rd, East

Pick a Brief Advice Clinic

Columbus:

Saturday Clinics		
2 nd of the Month	Grove City United Methodist	2684 Columbus St
3-5:00 PM		

Madison County:

3 rd Tuesday of the Month,	Madison County Job & Family Services, 200 Midway St., London	
2-4:00 PM		

Union County:

1 st Tuesday of the Month	The Hope Center	212 Chestnut St., Marysville
5-7:00 PM		

Pick a Brief Advice Clinic

Southeastern Ohio:

Pro Bono Clinics in Athens, Belmont, Coshocton, Fairfield, Knox, Licking, Muskingum, Perry, Ross, Scioto, Tuscarawas, and Washington Counties

Sign up for the Clinic

Attorneys - Faith Mission and Van Buren Clinics – Online Sign-up -

<http://www.signupgenius.com/go/10c0a44afad2caaf85-adult>

All other brief advice clinics – email Dianna Parker at dparker@columbuslegalaid.org to be added to reoccurring reminders.

Non-attorneys – Online sign-up for ALL Columbus brief advice clinics - <http://www.signupgenius.com/go/10c0a44afad2caaf85-clinic2>

Emails will include location, start time, any changes to the procedure, reminder on materials and training.

Preparing for the Clinic

- 1. Confirm Location.**
- 2. Non-attorneys – make sure you have signed a non-attorney confidentiality agreement.**
- 3. Review materials, as needed.**

Day of Clinic

- 1. Locate the LASC staff person.**
- 2. Don't forget your attorney toolkit and tablet or device.**

Clinic Client Eligibility

To qualify for assistance through a Legal Aid-sponsored clinic:

- clients must have a household income at or below 200% Federal Poverty Level
- own assets adding up to no more than \$25,000 for LASC-sponsored clinics
- Clients must also sign a citizenship attestation or provide documentation of eligible immigration status.

Clinic Client Eligibility

- Sign-in Sheet
- Limited Engagement Consent form
 - explains the limited service provided at the clinic Intake Form
 - General Demographic Information
 - Household information
 - Income and Assets
 - Description of the legal need

Clinic Client Eligibility

- Intake Staff
 - Paralegals, Law Students, Community Members, Legal Aid Support Staff
 - Screen the Intake forms to confirm eligibility and make assignments to volunteer attorneys based on comfort level and experience.
 - Depending on clinic size, Intake Staff will do their best to match clients with attorneys who have knowledge in the client's area of need.
- Not feel comfortable advising a client on a specific area?
 - Let Intake know early on
 - Decline to meet with the client
 - Meet with the client to provide general legal information and disclose the lack of experience/knowledge in the area
 - Suggest a referral or future clinic

Clinic Procedure – Students/Non-attorneys

- Non-attorneys can assist with clinics in several different ways:
 - (1) Check clients in and maintain an orderly system of gathering intake forms and linking clients with available attorneys;
 - (2) Meet with clients to conduct a preliminary interview in order to assess the nature of the client’s legal issue;
 - (3) Sit in on attorney-client meetings and act as both the scribe and a research assistant if a laptop or smart device/wifi is available

Clinic Procedure

- 1:1
- Space and Confidentiality
- Paperwork

Tips for Client Interviews

Interview Tips – Context

Remember Barriers Facing our Clients.

- Distrust of Lawyers
- Awareness of Legal System
- Communication
- Transportation
- Documentation
- Lack of Safety Net

Interview Tips – Trust and Rapport

- Remember you're just meeting a person for the first time and they are sharing very personal information.
- Explain your role and the scope of the assistance
 - Refer back to consent form
 - Explain “I might give you advice on your eviction case but I am not going to your eviction hearing.”
 - Give client opportunity to ask what that means.

Interview Tips – Trust and Rapport

- Explain Confidentiality
 - How that is impacted by 3rd Parties
 - Who will have access to the information
 - What you will do with their form after the interview
- Listen first:
 - Allow client an opportunity to tell his/her story before asking questions to focus him/her.
 - Competence concerns? Ask for help.
 - Assess vocabulary, education, sophistication, and tailor your responsive language accordingly.
 - Identify any language access or literacy issues.

Interview Tips – Problems?

- Competence or Capacity
- De-escalation
- Overreaching 3rd Parties
- Issues outside scope
- Non-legal issues
- Verbose clients

Client Tips – Language

- **Literacy**
- **Limited English Proficiency & Legal Aid-sponsored clinics**
 - Discourage family member interpreters
 - Phone Interpreting
 - Deaf Services

Interview Tips – Interpreters

- Talk to the client, not the interpreter.
 - Interpreter = Conduit
- Use direct speech.
- Speak clearly and in organized fashion.
- Pause regularly.
- Minimize slang or metaphors.
- Stick to open-ended questions.
- Avoid compound questions.
- Control the interpreter.
- Be patient.

Interview Tips – Wrapping Up

- Repeat and summarize next steps
- Clarify client's understanding
- Clarify limited scope
- Create to-do list for client to take
- Make sure client takes original paperwork with him/her
- Give client Referral Form, if applicable.

Interview Tips – Paperwork

- Complete the Clinic Paperwork/Intake form return it to the Clinic Coordinator, intake staff, or law student volunteer.
- **If advice is given**, a brief summary of the advice should be included on the form.
- Legal Information vs. Legal Advice

Interview Tips – Extended Representation

- Not Expected
- Notify Clinic Coordinator/Legal Aid Staff
- Conflict Check
- Ongoing Monitoring
 - Rule 6.5 - Comment [5] “If, after commencing a short-term limited representation in accordance with this rule, a lawyer undertakes to represent the client in the matter on an ongoing basis, Rules 1.7, 1.9(a), and 1.10 become applicable.
- Final Report

Clinic Resources

- Malpractice Coverage
- Each county varies
- Use your Legal Aid/Pro Bono Coordinator contact!
- Pro Bono substantive mentors
- Referral Forms
- Client Informational Brochures
- Computers/Tablets/Printers/Wifi:
 - Court dockets
 - Legal Aid websites
 - Auditor/Recorder/Secretary of State sites
 - Forms

Pro Bono Rules

- CLE for Pro Bono
- Emeritus
- Corporate Status

Pro Bono Rules – CLE Hours

- CLE for Pro Bono
 - 6 hours = 1 hour CLE
 - Max of 6 hours of CLE per reporting period
 - Legal services for a person of limited means, or a charitable organization
 - Pro Bono matter must be assigned, verified and reported by organization recognized by Supreme Court
 - No Carryover
 - MUST be reported by end of year
 - More Info here:
<http://www.sconet.state.oh.us/AttySvcs/CLE/forms/proBonoCreditInfo.pdf>
- Procedure (Sign-in sheets and Form 23s)

Pro Bono Rules - Emeritus

- Effective 9/15/16
- May perform limited legal services only in association w/pro bono organization
- Eligibility Requirements:
 - Engaged in practice of law for 15 years
 - Good standing
 - Has not resigned from practice, resigned with discipline pending, or permanently retired
 - Has not voluntarily or involuntarily relinquished license to practice law in another jurisdiction to avoid discipline or as a result of discipline imposed
 - Has not been disciplined for professional misconduct w/n past 10 years or been disbarred by another jurisdiction

Pro Bono Rules – Emeritus

- Submit:
 - Current Certificate of Registration;
 - \$75 Emeritus Pro Bono registration fee (check or money order only) payable to the Supreme Court of Ohio;
 - Emeritus Pro Bono Attorney Registration and Certification;
 - Certification of Pro Bono Organization
- Current Certificate of Registration;
- \$75 Emeritus Pro Bono registration fee (check or money order only) payable to the Supreme Court of Ohio;
- Emeritus Pro Bono Attorney Registration and Certification;
- Certification of Pro Bono Organization.
 - Must continue to fulfill CLE requirements (free through Legal Aid/pro bono provider)

Pro Bono Rules – Corporate Status

- Legal services for a person of limited means, or a charitable organization
- Pro Bono matter must be assigned by organization recognized by Supreme Court

Ohio Rules of Professional Conduct

- Preamble
- Rule 1.1 - Competence
- 1.2 – Limited Scope
- 6.5 – Conflicts of Interest

Ohio Rules of Professional Conduct

Preamble: A Lawyer's Responsibilities

“A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the **poor, and sometimes persons who are not poor, cannot afford adequate legal assistance.** Therefore, all lawyers should devote **professional time and resources** and use civic influence **to ensure equal access to our system of justice** for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.”

Rules of Professional Conduct

– Rule 1.1

- “A lawyer shall provide competent representation to a client. Competent representation requires the **legal knowledge, skill, thoroughness, and preparation** reasonably necessary for the representation.”

Rules of Professional Conduct

Rule 1.1 - Comment [1] factors to determine whether the lawyer has the requisite knowledge and skill:

- » **Complexity of matter**
- » General experience
- » **Training** and experience in the field
- » Preparation and study
- » **Whether it's feasible to associate or consult w/lawyer of established competence in the field**

Rules of Professional Conduct

– Rule 1.2: Scope of Representation and Allocation of Authority Between Client & Lawyer

- (c) “A lawyer may **limit the scope** of a new or existing representation if the limitation is **reasonable under the circumstances** and communicated to the client, preferably in writing.”

Comment [7A] – “Written confirmation of a limitation of a new or existing representation is preferred and may be any writing that is presented to the client that reflects the limitation, such as a letter or electronic transmission addressed to the client. . . . A lawyer may create a form or checklist that specifies the scope of the client-lawyer relationship.”

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Rules of Professional Conduct – Rule 6.5

- (A) a lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter is subject to both of the following:
 - Rule 1.7 (*duties to current client*) and 1.9(a) (*requirement to get informed written consent from former client*) only if the lawyer knows that the representation of the client involves a conflict of interest;
 - Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a)

Rules of Professional Conduct – Rule 6.5, Cont'd

- Comment [2] “A lawyer who provides short-term limited legal services pursuant to this rule must communicate with the client, preferably in writing, regarding the limited scope of the representation.”
- Comment [4] “A lawyer’s participation in a short-term limited legal services program will not preclude the lawyer’s firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program’s auspices.”

Thank you for your service!

“Access to justice should be an ever-present goal.”

– Maureen O’Connor
Ohio Supreme Court Chief Justice



LASAC

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