

Thank you for your time in volunteering at a VLN Clinic. The VLN staff will do all we can to ensure your time at the clinic is a meaningful and effective use of your time. Below is some information regarding ways to be as effective as possible, supports for providing brief services, and your ethical responsibilities. Please let us know if you think of ways we may better support your work or improve this resource (martha@volunteerlawyersnetwork.org). Thank you for all your work to provide access to justice to those in poverty!

This handout includes information on:

- What Makes a Great Legal Clinics Attorney
- Attorney Ethical Responsibilities When Providing Brief Legal Services
- Working with Interpreters
- Considerations on Mental Health Considerations
- VLN Legal Clinics Standards (Excerpt)
- CLE Credit for Pro Bono Services
- Excerpt from VLN Referral Sheet

What Makes a Great Legal Clinics Attorney?

Many clients at legal advice clinics are not only proceeding *pro se*, but also have little or no legal experience. This presents specific challenges to attorneys wishing to provide tangible help. Below are some tips—gathered from our experienced attorneys—to maximize your impact:

- First – **set the expectation**. Make sure the client knows that you have a finite amount of time for him or her (typically, 15-20 minutes if others are waiting). Setting this from the start makes it easier to enforce.
- While your empathy and kindness are so important to the client, at some point, you may need to **take control of the conversation**. If the client is focusing on irrelevant facts, providing too much detail, or simply off track, interject with pointed questions that elicit the information you need. Reviewing the client’s issue on the Clinic Data Sheet can help focus the issue quickly.
- **Know and use available resources** regarding the law and referrals. Useful websites collected here: www.volunteerlawyersnetwork.org/volunteer/clinic and www.lawhelpmn.org. If you think a colleague could give you some direction, give him or her a call.
- **Be proactive** in providing the most service that time allows. If it will advance a client’s cause, please consider writing a letter, making a phone call, obtaining information on the client’s behalf, drafting pleadings, assisting with service of process or the signing of an IFP, etc. Resources for the top dozen brief services: <http://www.volunteerlawyersnetwork.org/volunteer/brief>.
- If possible, provide **specific written language** for at least the artful portions of a pleading. If your client is *pro se*, a persuasive written pleading is critical, as the client has less ability to be orally persuasive. In most *pro se* cases, the papers are the case.
- **Write explicit instructions** regarding next steps for the client and/or your recommendations for referral. This makes it more likely the client will be able to follow your advice. When applicable, use the referral pad provided (sample at end of these materials), which lists detailed information about agencies.

- If you have onsite **clinic assistants**, ask them to find the online resources for you, write notes for the client, or provide above-described brief services under your supervision. They want to help and it saves you valuable time!
- If you believe the client has no case, tell them. It serves the client and the courts to provide clients with your **frank assessment**. Explain the reason behind your assessment—and remember that it is ultimately the client’s decision how to proceed.
- Some clients do not have an issue that is legal in nature. For any social service issues, refer the client to **United Way** (phone number - “211” or (651) 291-0211) or call yourself to facilitate correct information. In some situations, all you can do is empathize with the difficulty of the problem and acknowledge that it is beyond the scope of the clinic.
- If the client has an issue that requires more time, and other clients are waiting, consider asking the clinic assistant to finish up with the client. Or ask the client to wait so you can **assist other clients**. Many clients make special trips to see “the attorney,” and it is difficult for them if they are not seen that day.
- Please ensure the **Clinic Data Sheet** is fully completed (by either you or the clinic assistant). This is our record of your service to the client, including whether you provided a brief service.
- If you wish to assist a client beyond the clinic, thank you! And please follow the below:
 - Write on the data sheet what follow up services (e.g., following up on a phone call) you will be providing to the client.¹
 - If the service falls outside the Clinic Data Sheet “*Client Agreement*,” it’s best to sign a new agreement with the client that specifies your additional service. This reduces the chances of future misunderstandings. You may find sample forms (limited scope and full representation) on our website (or email martha@volunteerlawyersnetwork.org).

Attorney Ethical Responsibilities When Providing Brief Legal Services

The rules of professional conduct apply anytime an attorney/client relationship is formed, including in a legal advice clinic setting. Below is some information regarding the application of the Minnesota Rules of Professional Conduct to providing brief legal services.

- **Provide competent representation**; this does not change no matter what the level of representation to the client.

¹ Note: if you would like to provide full representation services to a client and the client’s household income is at or below 125% of the federal poverty guideline (FPG) (or close), you’ll then continue to be covered on VLN malpractice insurance and VLN will track your time. If the client’s income is greater than 125% FPG, you will be providing private pro bono to the client.

- **Ensure that the limitation is reasonable under the circumstances.**²

If, for example, a client's objective is limited to securing general information about the law the client needs in order to handle a common and typically uncomplicated problem, the lawyer and client may agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely.

Comment 7 to Rule 1.2

Some examples of situations in which legal assistance would not be reasonable under the circumstances" include: providing an analysis of complex issues and helping a client that you believe is not capable of doing the follow up steps on his or her case. The latter can be based on your assessment of the client's ability to speak and read English; basic intelligence; the presence of emotional and mental disorders; and degree of self motivation, among other considerations.³

VLN Legal Clinics are designed to assist clients with very specific and limited services so that the limitation typically is reasonable under the circumstances. If a client comes with complex issues that cannot be analyzed in the time provided, a referral is the most appropriate option. Every VLN clinic has referral information pads onsite for this purpose.

- **Explain a matter to the extent necessary to permit the client to make informed decisions regarding the representation.**
- **Clearly identify the services to be provided and the services that will not be provided (preferably in writing).** VLN provides boilerplate language in our Client Acknowledgement Forms (contained in *Clinic Data Sheets* and *Client Acknowledgement: What We Will Do To Help You Represent Yourself*).
- **Explain to the client what additional action will be necessary for the client to accomplish his or her legal objectives (in writing is preferable).** All clinics have referral information pads which are one-sided; the blank side is left for attorneys to write down their instructions to help the clients remember and follow them accurately.
- **Alert the client to legal problems outside the scope of the representation that are reasonably apparent and that may require legal assistance.** (Example: if the client wants to file a motion to vacate the judgment and also is permanently judgment proof, you should advise the client that fighting this lawsuit might not be relevant to the client's daily life, but that if

²Rule 1.2 (b) of the MRCP states that "a lawyer may limit the scope of the representation if the limitation is reasonable under the circumstance and the client gives informed consent." The test is, whether at the time of the agreement, a lawyer reasonably could have concluded that the service would be useful to the client. Handbook on Limited Scope Legal Assistance, A report of the Modest Means Task Force, American Bar Association Section of Litigation (2003), page 91

Whether or not a service might be useful depends on to what extent the client will be able to take the additional action on his or her own to attain his or her objectives after the attorney's service is provided. Considerations include: the person's skills and abilities, the difficulty of the follow-up instructions, the client's ability to articulate arguments. (If the attorney believes that the client will not be able to take the follow up steps, the attorney should not provide the service.)

³ Handbook on Limited Scope Legal Assistance, A report of the Modest Means Task Force, American Bar Association Section of Litigation (2003), page 60

creditors are harassing him or her, you can refer the client back to VLN for the letters to creditors service.)

- **When helping a client complete court forms, explain the “verifications and acknowledgements” (V&A’s).** In a brief legal service setting, where the client remains responsible for pursuing the case, the responsibility to comply with these is on the client and, in general, you may rely on what the client tells you. Your duty to ensure there is a good faith basis to the pleadings is less than in full representation cases.
- **If you have *actual knowledge* the client is violating any of the V&As, you should stop assisting the client in making a false statement to the court.**

However, if you *believe* the client is lying, but don’t know for sure, you may continue to assist the client, but should also advise the client as to the weaknesses you see in the client’s credibility (See Rule 3.1, Rule 3.3 and Rule 11) and also ensure the client understands the V&A’s and the consequences if the court finds differently.

Example: Client says he was out of the country when the affidavit of service by Metro Legal Service says he was served. You could draft the pleading as long as you did not *know* it was a false allegation. You would also need to tell the client that he or she has a heavy evidentiary burden to overcome an affidavit by Metro Legal Service, and that some ideas for how to meet that burden might be a copy of his passport, plane tickets, or evidence of activities outside of the country during the date in question.

However, if the client lets slip that he actually was here, or that he did get served, and you know that to be true, then you would have to decline to assist the client further.

Working with Interpreters

More and more of Hennepin County’s low-income population do not speak English well. This following points are provided to help you work with interpreters.

- Position the interpreter appropriately. Ask the client and the interpreter as to seating arrangements. It is usual for the interpreter to be seated next to the attorney so that the client can observe both the interpreter and the attorney simultaneously.
- Speak directly to the client as you would to any client. For example, say, “What is your legal issue?” rather than “What is his legal issue.”
- Speak clearly and at your usual pace and volume. It is easier for the interpreter to establish the context and (for interpreters for the deaf) a natural signing flow if you speak normally. The interpreter will tell you if it is necessary to change your rate.
- Focus your attention and eye gaze on the client, not the interpreter.
- Please do not ask the interpreter’s opinion. Interpreters are bound to a Code of Ethics which prohibits them from giving opinions about the legal matter for which they are interpreting. The court interpreter’s role is to interpret, and not serve as a ‘cultural broker’ for the attorneys or the court.
- Do not make asides you do not wish interpreted. The interpreter is ethically obligated to interpret everything that the client would have understood if he/she had understood (spoken) English.

- Give a little extra time for the client to answer any questions you have asked, as there is always a time lag as the interpreter interprets from spoken English into a different language. The degree of delay will vary with interpreters and the complexity of the material. This is especially important during group discussions. Depending on the situation, some interpreters will choose to interpret consecutively – that is, they will not begin interpreting until you have finished speaking. If this is the case, please speak or sign in short ‘chunks’ so that the interpreter can more easily remember what you have said.
- For deaf clients, allow time for the client to take notes or read any printed material. It is impossible for a deaf person to watch an interpreter and read/write at the same time.

In order to ensure that you, the client, and the interpreter have a shared understanding of the extent of the interpreter’s professional services, we suggest you make sure that you, the interpreter and the client all understand that you will be following the below procedures during the advice session.⁴ You might start the session by asking the interpreter to interpret the following to the client. Please be sure to pause after every sentence or two to give the interpreter the chance to communicate it to the client.

1. The interpreter will interpret everything you say into English and everything I say into ____ [client’s preferred language].
2. The interpreter can not *participate* in the conversation. The interpreter’s only job is to interpret what each of us says.
3. If you do not understand something, ask me, not the interpreter. Please talk to me, not to the interpreter.
4. If you have a long question or a long answer, please pause frequently so that the interpreter can interpret everything accurately.
5. Please speak loudly and pronounce your words clearly so the interpreter can hear you easily.
6. If you have any difficulty hearing the interpreter or understanding me during the conversation, please tell me.
7. Are you able to hear and understand the interpreter?
8. (To the interpreter.) Are you ready to proceed? Can you hear and understand everyone adequately?

Note: Interpreting is very difficult work (similar to solving math problems in one’s head). If the session extends more than 20 minutes, please ask the interpreter if he or she would like a break.

Resources

The Minnesota Court Interpreter Website has many resources to assist attorneys <http://www.mncourts.gov/?page=446>) and interpreters (<http://www.mncourts.gov/?page=461>) including:

- Legal Glossaries in many languages
- The Interpreter’s Code of Professional Responsibility
- “Do’s and Don’ts for Working with Interpreters”

⁴ Based on the New Jersey Courts Language Services Section (www.judiciary.state.nj.us/interpreters/telint.htm). Recommended by the Minnesota Courts Interpreter Program.

Considerations on Mental Health Issues

A significant number of clients at VLN clinics have some form of untreated mental illness. Many of these persons have legal issues; some do not. Practical considerations for working with people with untreated mental illness include:

- Adults with untreated mental illness may be difficult to understand, unwilling to accept responsibility, unable to remember agreements, inconsistent with discipline, poor at keeping appointments, untrustworthy, and emotionally unpredictable. While observing the person's weaknesses, try to make use of his or her strengths.
- Adults with mental illness, like everyone else, are responsible for their actions. Missed appointments, lying, and dangerous behavior cannot be accepted. Flexibility can be taken only so far. Set limits with the client and, if the client does not follow them, stop assisting the client.
- If the client has a legal issue, provide services consistent with the legal issue.
- If the client does not have a legal issue, tell him or her so. One possible way:
 "I understand your concern and the difficulties this issue brings to your life. I know that you would like it to be solved. The legal system, unfortunately, is not able to solve all problems. This is an example of an issue that the legal system cannot solve. Perhaps you might try calling _____ for services on that issue."
- Do not try to rescue the person with mental illness personally. Instead, make referrals. You are not expected to be an expert on mental illness.
- If you experience any problems or feel threatened, ask a staff person for assistance. (At the court's SHC, there is a panic button under the counter to the right of the computer.)
- To learn more about mental illness, visit www.nami.org or call (651) 645-2948 (National Alliance for the Mentally Ill).

Volunteer Lawyers Network Legal Clinics Standards⁵ [excerpt]

VLN legal clinics serve an important function in VLN's overall delivery of legal services. Clinics are an efficient and timely way to connect client and attorney in situations in which:

- A client needs immediate assistance
- A client needs advice as to whether or not there is a legal issue.
- The clinic may provide brief legal services
- The client does not income qualify for full representation services (Clinics go up to 300% FPG).
- The client does not issue qualify for other VLN services

VLN clinics may be categorized as either walk-in or scheduled. Walk-in clinics serve clients on a first-come first-served basis to clients who come within the clinic hours. At scheduled clinics, clients are scheduled in advance with a specific attorney whose pro bono practice focuses on the client's issue. Most clinics are administered directly by VLN, although some clinics are run by partner law firms.

Per its current strategic plan, VLN asks all VLN legal clinic attorneys to do the following to increase the client's chance of having a successful outcome.

- Provide written information to clients concerning their legal problem, e.g., legal fact sheets.

⁵ Approved by the Clinics and Quality Control Committee on October 23, 2009

- Write clients notes or letters on the legal and factual analysis of their matter and next steps the client should take.
- Provide more brief service where appropriate, including making phone calls, writing letters, getting information from agencies, assisting in filling out forms, and other limited tasks which may help solve the client's legal problem.

The standards discussed below are used to evaluate current clinics and to apply to potential new legal advice clinics as they affiliate with VLN. The goal is to provide a safe and confidential setting for clients to discuss their legal concerns with volunteer lawyers, where lawyers can maximize their service to individuals who cannot afford to hire an attorney.

CLE Credit for Pro Bono Services

The Minnesota Supreme Court issued an order, **effective July 1, 2008**, amending Rules 2 and 6 of the Rules of the Minnesota State Board of Continuing Legal Education to allow limited continuing education credit for pro bono legal services.

The amended rules provide that a lawyer may claim one hour of standard CLE credit for every six hours of legal representation that the lawyer provides to a "*pro bono* client" per the definitions of Rule 2. An attorney may claim up to six of these "pro bono for CLE credits" per three-year CLE reporting cycle.

Volunteer Lawyers Network qualifies as an "approved legal services provider" per the definition of Rule 2. This means that you may claim one CLE credit for every six hours of pro bono you do through VLN.

If you wish to claim CLE credits for pro bono work through VLN, please:

- In full representation cases, make sure VLN referred or approved the *pro bono* client prior to your undertaking the representation.
- Submit your VLN representation agreements and closing forms or (if claiming hours at a clinic) clinic data sheets to us. These forms can be found on our web-site at www.volunteerlawyersnetwork.org.
- If you would like to claim hours prior to a case's completion, please email your Case Placement Coordinator reporting the hours you have worked on the case (s) so far.

Complete the Minnesota State Board of Continuing Legal Education form "Affidavit of Pro Bono Representation to the Board" and submit this to the CLE Board. You may list on the reporting affidavit as your contact any VLN staff person with whom you have been working.

Note: If you volunteer at a VLN clinic in partnership with your law firm, please list your firm and pro bono coordinator as the "legal services provider".

Please see the attached copy of the Order Promulgating Amendments to the Rules and the Affidavit of Pro Bono Representation Form. This form will also be available on our web-site. <http://www.volunteerlawyersnetwork.org/CLEs>

Social services: for information about any social services questions, call United Way 211 (24 hours)..... (651) 291-0211 or 211 ¹

General Civil (includes family, housing, consumer, employment, etc. - income restricted unless otherwise noted)

- ❑ Volunteer Lawyers Network (VLN): Client Intake: *full rep, brief services, advice, & referrals.* M, W, F (9-12:30pm) & T, Th (12-3:30pm).....(612) 752-6677 ¹
- ❑ VLN Consumer Protection Workshop (help completing Answers, Garnishment Forms, Motions to Vacate Default Judgments, Discovery, etc.).....(612) 752-6677¹
- ❑ Legal Aid Society Client Intake: *full rep, brief services, legal advice, & legal referral services.* M-F (9:30–11:30am, 1:30–3:30pm).....(612) 334-5970 ¹
- ❑ SMRLS Client Intake Line (Ramsey County): *full rep, brief services, legal advice, & legal referral services.* M-F (9–12pm, 1–3pm)(651) 222-4731 ¹
- ❑ LAP Clinic (LRIS staffed): *legal advice/brief service only (some criminal law); no income restrictions.* Henn. Co. Gov. Center, M-F (9-11am) & M (1-3pm)²
- ❑ LAP Clinic (VLN staffed): *legal advice/ brief services only (no family); 300% FPG.* Henn. Co. Gov’t Center, M, W (11am-1pm); T, Th, F (11am-3pm)²
- ❑ Conciliation Court Clinic: *legal advice/brief services on conciliation court matters; 300% FPG.* City Hall, Room 312, T, Th (1-3 pm) & Th (9-11am) ²
- ❑ Park Ave Methodist Church: *legal advice/brief services, mainly immigration questions; 300% FPG.* 3400 Park Ave S, Th (3–5pm)¹
- ❑ Linea Legal Latina: *legal advice by phone in Spanish.* T (11am-2pm) & W (4-6pm)..... (651) 379-4223 ³
- ❑ Lawyer Referral and Information Service (LRIS): *no income limits. For those interested in hiring an attorney.*(612) 752-6666 ¹
For a \$30 admin fee, LRIS sets up a 30-minute consult with an experienced attorney (no admin fee in PI, malpractice, SSI, SSDI, or Workers Comp cases)

Housing only (Note: see also General Civil)

- ❑ Housing Court Project: *legal advice and brief services related to housing matters. 300% FPG.* 3rd Floor, Gov’t Center, M–F (8:30–noon)²
- ❑ HOME Line: *legal advice on housing matters (except Minneapolis, no income restrictions)* M–Th (9am– 6pm); F (9am–3pm)(612) 728-5767
- ❑ Mpls Dept of Health and Family Support Housing Services: *for Minneapolis residents*(612) 673-3003

Family only (Note: see also General Civil)

- ❑ VLN Family Law Clinic: *legal advice/brief services, 300% FPG.* 110 S. 4th St. (Family Justice Center), M & Th (10am-12pm) and T & F (1-3pm)²
- ❑ Low Fee Family Law Program Client Intake: *full rep services to income qualified persons (ask for “low fee family program”)* M-F (9am–4:30pm) (612) 752-6666 ^{1 2}
- ❑ FATHER Project: *legal advice and services to non-custodial parents (must mention FATHER project)*(612) 334-5970 ¹
- ❑ Tubman: *legal (and social) services, mainly family; also GLBT issues (some income limits apply).* 4432 Chicago Ave S..... (612) 825-3333 or (612) 871-0118 ¹
- ❑ Child Support Self-Help Sessions: *help with child support forms; no income restrictions* (110 S. 4th St, Rm. 172) M, W, F (10am – 12pm) (walk-in)²

Criminal only

- ❑ Henn. Co. Public Defender: *assistance with misdemeanor, felony, traffic, DWI to income-qualified persons (not petty misdemeanor traffic)*.....(612) 348-7530 ²
- ❑ Misdemeanor Defense Project: *no income limits. Brief advice at Hennepin County misdemeanor courts* M-F (8:30–10:30am)
- ❑ Legal Rights Center: *assistance to income-qualified persons, including Spanish speakers.* 1611 Park Ave S., Mpls. T (9–11am)(612) 337-0030

Court and State Services (no income restrictions)

- ❑ Hennepin County Self-Help Center: *assistance to self-represented litigants: 2nd Floor, Hennepin Co Gov’t Center,* M, T, Th, Fr (8am– 3:30 pm) W (8am-1:30pm)¹
- ❑ Family Justice Center Self-Help Center: *assistance to self-represented family court litigants.* 110 S. 4th St., Mpls, M, T, Th, Fr (8am– 3:30 pm) W (8am-1:30pm)¹
- ❑ MN Attorney General’s Office Consumer Dept.: *assistance to consumers.* 445 Minnesota St., St. Paul, M-F (8am–5pm)(651) 296-3353 ¹

<p>1 – Interpreter services available for many languages, including Spanish and Somali. 2 – Some interpreter services available (including Spanish and Somali) if arranged in advance.</p>	<p>3 – Serves Spanish-speaking clients only. 4 – Persons who don’t speak English must arrange own interpreter.</p>
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