

How to Strengthen Client Service:

Creating Quality *Pro Bono* Legal Advice Clinics With Courthouse Self-Help Centers

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Brief Description:

Court staff at Self Help Centers can provide time, information and resources—but not legal advice. *Pro bono* attorneys in a clinic setting can provide legal advice—but not the time to help clients follow through. Quality legal advice clinics partnering with Self Help Centers offer clients an exciting combination of resources that is greater than the sum of its parts.

We will explore models for creating *pro bono* legal advice clinics at Self Help Centers with *pro bono* attorneys, law students, and paralegals. We will discuss specific challenges to creating and maintaining high quality clinics—such as consistency, quality, diversity, support, and intermittent volunteerism—as well as suggestions for overcoming them.

Learning Objectives:

Participants will be able to form a partnership between a Volunteer Attorney Program (VAP) and a Court and:

1. Create a legal advice clinic with *pro bono* attorneys and, if wished, law students and/or paralegals.
2. Identify areas in which their volunteers need support, either in substantive legal issues or clinic procedures, and provide such support.
3. Help volunteers relate to and communicate with people who are different from them, either culturally or in mental or physical abilities.

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I. Form A Partnership Between A Volunteer Attorney Program and a Court Self Help Center

A. Reasons to do this

Suggestions

1. Address the pressing need for legal advice
2. Court employees and pro bono attorneys each have a distinct but complementary role.
3. Identify people who cannot or should not self-represent and increase the likelihood they obtain more services.
4. Improve the quality of referrals to the VAP or Lawyer Referral Service
5. Improve Bench/Bar relationships and Bar/Court Administration relationships
6. Clinics with a limited time commitment are appealing pro bono opportunities for lawyers, law students etc.
7. Improve the functioning of the court
8. Improve public trust and confidence in attorneys and the courts.
9. Funding opportunities for collaborations in general, and court collaborations specifically

Group Suggestions

B. Groundwork - Build the relationship long before the project

Suggestions

Note: Projects will transpire and run more smoothly because of the relationship.

1. Unintentional: Building relationships everyday through actions and words (or lack thereof). (You and your organization have a reputation. What is it? Do you need to work on changing your reputation? What successes or failures between your organizations predate your involvement? What negative feelings should you try to overcome, or what positives can you build on.)
2. Find mentors. People who have been around and can give you the scoop on people and politics.
3. Ways to build and maintain relationships:
 - Social/business functions.
 - Recognition functions, annual fundraisers.

- Committee work: Bar Association, State Planning Groups, Supreme Court initiatives, and create opportunities (Court's Pro se committee). (For Court, helps to have an attorney working in self help area, as the attorney can be an active member of the bar.)
 - Arrange training for court and VAP staff to clarify what each organization offers and how they can best refer people to each other.
 - Focus Groups (Ask for input.)
 - Be a presence at the court. Volunteer as a pro tem, serve on committees, do more court work. Know the court's issues. Be an insider.
4. Turn-over is a challenge.

Group Suggestions

C. Groundwork - Research other institution's goals, mandates.

Suggestions

1. To research court: Call State Court Administration and Local Court Administration re: strategic plans initiatives. Look at website. Ask your contacts.
2. To research Legal Aid: Find out who in your state is responsible for access to justice planning. Contact that person. Obtain state planning documents.
3. To research LSC-funded organizations: Check website for state legal aid and for LSC. (All LSC- funded organizations are supposed to do statewide planning.)
4. To research VAP: Look at website, Annual Reports, Mission Statements, talk to your contacts.
5. Get on mailing/email list for newsletters.

Group Suggestions

D. Groundwork - Identify sound reasons for collaborating.

Suggestions

1. Unless what you propose doing really makes sense, don't do it. Will this project build a reputation for success?
2. Must benefit both organizations and the public.
3. Might collaborate because the organizations can't do it alone, but do not limit ideas to that.
4. Note: Start the Collaboration Day One of the planning process - much easier to gain support for an idea if both organizations are in on the initial planning.

Group Suggestions

E. Groundwork - make no assumptions

Suggestions

1. Do not rest on assumptions about what the other organization does/wants.
2. Incorrect assumptions will limit creativity. Put all ideas on the table. You will be surprised at the outcomes.

Group Suggestions

F. Groundwork - find key people

Suggestions

1. Who has the position or the influence to make this happen?
2. Who will be the person to do the work and see this through?
3. What departments in the court are impacted?
4. Look for broad-based support. Do not rely on one person "I'll take care of it" from within the Court.
5. Get an insider who will feed you information and do research to give you the inside scoop, for when you hit log jams.

Group Suggestions

G. Groundwork - address power and control issues

Suggestions

1. Put aside ego.
2. Clearly spell out responsibilities.
3. Establish expectations early in the process.
4. What are credit issues?
5. To what degree will the court try to control what goes on in the courthouse?

Group Suggestions

H. Groundwork - other

Suggestions

1. Plan for short-term and long-term needs (What is the impact on staff? Budgets?)
2. Share resources, money, credit, problems, accolades.
3. Communicate regularly

Group Suggestions

I. Attitudes that may be obstacles

Suggestions

1. Objection by the bar: Taking away paying clients
2. Objection by the court: We can't give legal advice. Not our job to help pro se litigants. We can't afford it, no staff, no space.
3. Objection by the bench: Offering assistance will just open the floodgates and encourage pro ses. We have enough trouble with them now.
4. Objections by VAPs: Take away our volunteers. Shouldn't help people above 125% of poverty level.
5. Objections by Legal Aid: Competition for funding. Concern about quality of assistance; full case vs. limited help
6. Other obstacles: A genuine lack of understanding of the extent of the problem.
 - "She's low income, legal aid will help her." (Criteria)
 - "I still think if we just fund legal aid adequately we wouldn't need this pro se stuff." (Not all-low income. Not all want a lawyer.)
 - "If more lawyers did pro bono work, it would take care of the problem."
 - "He should just get a lawyer" or "That guy can afford a lawyer." (What is affordable?)

- "Need to take a holistic approach." (Great, but ... failure to understand that the court gets these people when everyone else turns them away.)
 - Simply overwhelming, and cannot tackle the problem.
7. Use reports and experiences of other states to work through objections and show that the negative consequences have not been realized or can be managed.
 8. See Trial Court Research Improvement Consortium reports on Self Help Centers in 6 states. See <http://www.selfhelpsupport.org>

Group Suggestions

J. Other issues (Group Suggestions)

II. Achieve and Maintain Quality in the Clinic

K. Recruit volunteer attorneys

Suggestions

1. Make announcements at CLEs
2. Visit state bar committees and sections and suggest the clinic as a pro bono activity for the group
3. Tap into large law firms looking for contained ways to volunteer
4. Roster of VAP volunteer attorneys who have turned down full representation cases
5. Ask current volunteers to suggest other attorneys
6. Make presentations at corporate legal departments
7. Personally call attorneys (e.g., list of top 50 firms in the county)
8. Partner with county bar's lawyer referral service

Group suggestions

L. Support the volunteer attorneys

Suggestions:

1. Orient attorneys to the clinic, both personal and written
2. Provide Client Data Sheet with limited representation agreement
3. Provide resources for legal advice (local handouts, brochures, etc.)
4. Provide on-site resources for finding the law and appropriate referrals (see e.g., **Attorney Resource Book**:
<http://www.volunteerlawyersnetwork.org/forms/LAP%20Attorney%20Resource%20Book%2002-08-05.doc>)
5. Determine what kind of legal education attorneys need
 - Ask attorneys what they would like training on

- Ask focus groups
 - Obtain comments from court staff (seeing problems with attorneys' advice)
 - Determine most common advice-clinic issues (e.g. transferring drivers licenses, criminal expungements, etc.)
6. Provide CLEs
- Substantive topics (e.g., transferring drivers' licenses, criminal expungements)
 - Procedural topics (e.g., how to provide quality legal advice w/in 15 minutes)
 - Accommodating differences (see Section III)

Group Suggestions

M. Maximize the benefits of the partnership between attorneys and SHC

Note: The attorneys provide advice but do not have the time to explain how to implement the advice. The SHC has time to help clients implement advice, but is prohibited from providing legal advice. With some education, attorneys and SHC can provide a seamless service to clients – attorneys maximizing their time by focusing on legal advice; SHC able to take that advice and tell clients *how* to follow it.

Suggestions:

1. Emphasize to attorneys the importance of writing down the advice (so SHC may help implement it)
2. Consider 'Referral Form' from SHC to pro bono attorneys (so attorney may quickly and clearly know the legal issue)
3. SHC staff outreach to individual volunteer attorneys (introduce, offer tea, intercede when problems, etc.)
4. Give brochures to attorneys (see *An Attorney's Guide to the Self Help Center*)
5. Introduce SHC staff at CLE presentations
6. In-person discussions between SHC staff, VAP staff, and pro bono attorneys

Group Suggestions

N. Maximize attendance

Suggestions:

1. Schedule with names of specific attorneys (not names of firms) 3-6 months in advance
2. Email or call attorneys to remind
3. Encourage law firms to have an alternate attorney if assigned attorney can't show
4. Provide clear procedures for if late (including phone number to call)
5. Provide clear procedures if can't come (including phone number to call)
6. Reports to bar, bench, etc., those firms/attorneys who do or do not show as scheduled

Group Suggestions

O. Include student volunteers/paralegals

Suggestions:

1. Recruit law students through cooperative relationship with law schools (see <http://www.mnjustice.org>)
2. Must be supervised by a licensed attorney (see, e.g., <http://www.volunteerlawyersnetwork.org/forms/Working%20with%20a%20Law%20Student%20-%20Pro%20Bono%20Projects.doc>)
3. Thorough orientation (both in-person and written)
 - Appropriate conduct and dress
 - Define legal advice and that can't provide it (see, e.g., *May I Help You*) <http://www.courtinfo.ca.gov/programs/access/documents/mayihelpyou.pdf>
 - Client confidentiality

- Guidance to recognize and accommodate cultural, economic, etc., differences which may hinder effective communication
 - Procedures of the clinic itself (who, what, when, where, why, how)
4. Written acknowledgement of requirements
 5. Evaluation at end of experience

Group Suggestions

P. Tasks for volunteer law students and paralegals

Note: Current benefits: Serve more clients, provide more personalized service, give attorneys a boost in energy, expose students to practical legal work and to the issues confronting the poor.

Note: Future benefits: Sensitize students for life. Invest in student; get a volunteer attorney to serve future clients.

Suggestions:

1. Fill out data sheets for funding purposes
2. Perform conflicts checks and/or income screening
3. Get materials for clients
4. Perform basic factual intake regarding the client's issue
5. Help clients get papers together (e.g., make sure client has copy of most recent court order in family law case)
6. Write letters for clients (who remain pro se)
7. Help clients fill out, serve and file court forms
8. Manage clients waiting in line (answering questions, keeping folks calm while they wait)

Group Suggestions

Q. Conduct evaluations

Suggestions

1. Evaluations by attorneys
2. Evaluations by clients
3. Evaluations by law students
4. Evaluations by SHC Staff
5. Better to have in-person contact to collect evaluations
6. Then implement suggestions as appropriate

Group Suggestions

R. Address other issues for achieving and maintaining quality

Suggestions

1. Space
2. Monetary resources
3. Staff to support the project
4. Recruiting attorneys consistently
5. Publicize to public and attorneys
6. Define the scope of the project - Legal Areas covered.
7. Ethical issues
8. Conflict checking

Group Suggestions

S. Other issues (Group Suggestions)

III. Recognize and Accommodate Differences

T. Languages – the need for interpreters

Suggestions

1. Include money in your budget for interpreters
2. Volunteer interpreters
 - Local law schools and colleges
 - Local interpreting agencies
 - Paralegals
 - Staff friends
3. Train volunteer interpreters
 - Word for word only, no commentary
 - Legal lingo unnecessary
 - Confidentiality
4. Locate clinic in community centers with speakers of other languages
5. Partner with community agencies that can provide speakers of other languages
6. Do outreach at community agencies focusing on non-English speaking communities, but ask clients to bring their own interpreters
7. Don't allow children to interpret for their parents, certainly not in family law matters

Group suggestions

U. Languages - train staff and volunteers how to work with interpreters

Suggestions

1. English speaker should speak to the client, not to the interpreter
2. English speaker should explain legal terms, just as they would have to to an English speaker
3. Pause to allow the translation; ask if the client understands
4. Expect the session to take 2-3 times as long as one held only in English

V. Language – other issues

Suggestions

1. Don't forget ASL – it's a language and also a reasonable accommodation under the ADA
2. Need to translate explanations of how your clinic works – on paper, on video, in person
3. You can get some how-to videos dubbed very easily
4. Include money for translation of written material in your budget unless you have a solid stable of people who read and write the other languages you need; it's worth it to get them done professionally
5. Workshops vs. individual assistance: workshops problematic with language differences when forms need to be filled out.

Group Suggestions

W. Mental health issues

Suggestions

1. In large clinic setting, critical to be able to identify mental health issues
2. Holistic approach possible even in brief advice and referral setting
3. Use staff or volunteer social workers
4. Make information on resources available – serve as a clearinghouse
5. Use social workers able to work with challenging populations
6. Train staff and volunteers in dealing with difficult situations
7. Try to have some good referrals for people
8. Have at least one lawyer or law student who is a good listener for people with serious mental disabilities
9. Have a working plan and a back-up for emergencies
10. See National Alliance for the Mentally Ill for more information about mental illness and how to accommodate it (<http://www.nami.org>)

Group Suggestions

X. Different abilities

Note: Respectfully ask the client to let you know how you can accommodate him or her. Speak to the client, not his or her relatives or friends, unless your client has asked you to. Never refer to a person with a disability in the third person in his or her presence, even if family members do so.

1. **Mobility impairments.** Either make sure your office is accessible or meet them in an accessible room. Sit down, when possible, so the person does not have to crane his or her neck to see you. Do not kneel in front and talk, touch the chair, lean on the chair, push him or her without agreement, or touch him or her in a patronizing manner.
2. **Legally blind.** Ask if they want to hold your arm when walking. If they say no, walk ahead and they will follow. Do not take a person's arm, cane, dog, etc. Ask what format the person would like any information from you in. If he or she would like large print, use a large font when printing documents from your computer. If he or she would like

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Section III Recognize and Accommodate Differences

Braille, call the State Services for the Blind (651.642.0500) to find out how you can email documents to be printed in Braille.

3. Hearing impediments. Face persons and speak directly to them. Do not speak to the interpreter (if there is one). Talk more slowly and pause frequently, as the interpreter will need to keep up with you. Plan for a longer period of time to communicate. Do not speak more loudly if the person has an interpreter. Try to find the quietest place possible to communicate, so there are few distractions. Consider providing some information in writing as well as orally.
4. Speech impediments. Use a normal tone of voice when talking with them. If helpful, repeat their statements to make sure you understand what they said. Sometimes, it helps to sit at keyboard to communicate by typing back and forth.

Group Suggestions

Y. Literacy

Suggestions

1. Look at the clinic's systems from the perspective of someone who does not read
2. Offer spoken alternatives to written instructions, and be prepared to answer questions from those unable to follow
3. Ensure that written materials are written for those with a fifth grade reading level, at most. Use "help" not "assistance;" "find out" not "determine," etc.
4. If the clinic offers assistance to people filling out their own papers or writing their own letters, ask specifically if people feel comfortable doing this. Watch for signs of embarrassment when the person is answering. These types of clinics are not for everyone.

Group Suggestions

Z. Cultural diversity

Suggestions:

1. Recruit staff and volunteers who reflect the cultural diversity of the community
2. Train staff and volunteers on issues of cultural diversity in your community. (e.g. http://www.volunteerlawyersnetwork.org/forms/United_Way_Immigrants_info.pdf)
3. Unlearning Racism workshops with the YWCA

Group Suggestions:

AA. Economic diversity

Suggestions

1. Train staff and volunteers on issues of economic diversity. (e.g. Ruby Payne A Framework for Understanding Poverty)
2. Comments on “*Working effectively with pro bono clients: Three steps to a less frustrating, more rewarding experience*”

Group Suggestions

BB. Overall understanding

Suggestions

1. Chat regularly, during the clinic or afterwards, with staff and volunteers about clients coming in, and their perceptions of them
2. Have periodic get-togethers with staff and volunteers, and keep your ears peeled for comments made about clients; then you can structure trainings around comments that you hear.

Group Suggestions

CC. Other issues (Group Suggestions)
