



philadelphia
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A project of Philadelphia VIP

Volunteer Handbook

Philadelphia VIP

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Revised: October 2006



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Dear VIP Volunteer:

Welcome to the distinguished ranks of Philadelphia VIP Volunteers!

This handbook is intended to introduce to you Philadelphia VIP and its referral procedures.

Once you have become familiar with the information in this handbook, the referral process should be simple. However, if you have questions, VIP's staff is always available to help you.

On behalf of the **366,000** low-income residents of the City of Philadelphia who are eligible for free legal services, we thank you for your contribution. With your help, we can make this a **Very Important Partnership**.

Sincerely yours,

The Staff and Board of Directors

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I. Introduction to VIP

In 1981, the Philadelphia Bar Association formed VIP's predecessor, the Philadelphia Volunteer Lawyers' Action Program (PVLAP), as an independent not-for-profit corporation. Its purpose was to assist Community Legal Services (CLS), Philadelphia's publicly funded legal services program in serving low-income clients with civil legal problems, by involving private attorneys in the delivery of legal services. During the next four years, more than 1,000 attorneys handled cases that CLS attorneys could not accept, enabling 1,500 clients to receive free legal assistance through PLVAP.

In 1986, the Board of Governors of the Philadelphia Bar Association and CLS entered into a partnership to promote the expansion of the Philadelphia Bar Association's pro bono effort. PVLAP was renamed "Philadelphia Volunteers for the Indigent Program, Inc" (VIP). VIP gave members of the legal community – attorneys, law students, legal secretaries, paralegals, court reports, title insurers, arbitrators, mediators and others – the opportunity to use their talents to help needy Philadelphians.

Today, more than 366,000 Philadelphians live at or below 200% of the federal poverty threshold and, therefore, are eligible for free legal services. Eligibility, however, means nothing if there are not enough lawyers to provide the services these clients need. As in the past, VIP and its dedicated volunteers, Board of Directors and staff work to fill the gap between legal aid resources and community need. Your commitment as a VIP volunteer is vital to that effort.

II. VIP's Clients

All of VIP's clients live at or below the 200% federal poverty guidelines. To qualify for services provided through VIP, clients must reside in Philadelphia or their legal problem must have arisen in Philadelphia, and clients must satisfy the financial eligibility guidelines in effect for legal services organizations. These guidelines are as follows:

A. Eligibility Guidelines

1. **Basic:** Gross income of applicant and resident family members does not exceed 125% of the Federal Poverty Guidelines. (See Appendix A for current guidelines.
2. **Special:** Gross income of applicant and resident family members is between 125% and 200% of the Federal Poverty Guidelines, along with any of the following:
 - a. Applicant is seeking legal assistance to secure benefits provided by any federal, state or local governmental program that provides benefits based on financial need; or,
 - b. Income is unavailable for attorneys' fees because of:

- (1) Pending or recent unemployment, seasonal or other irregularity of present income;
 - (2) expenses essential to employment, such as child care and transportation;
 - (3) substantial medical expenses, not covered by insurance, on which payment is being made;
 - (4) inordinate expenses caused by age or infirmity of resident family members;
 - (5) fixed debts and obligations including unpaid taxes from prior years; or
 - (6) other significant factors related to financial inability to afford legal assistance.
3. **Medical expenses:** Gross income of applicant and resident family members exceeds 200% of the Federal Poverty Guidelines, but income is primarily committed to medical or nursing home expenses and, based upon written documentation, the Executive Director approves representation.

B. Asset eligibility

1. **Standards:** Assets of applicant and other resident family members are valued at \$8,000 or less and are not in excess of family needs.
2. **Exclusions from Asset Valuation:** The following are excluded in computing the value of assets:
 - a. Principal residence of applicant;
 - b. One automobile per family and any additional automobiles if needed for employment, transportation to medical care, or for similar essential purposes;
 - c. Ordinary household goods;
 - d. Reasonable equity value of work-related equipment, if the owner is attempting to produce income consistent with the value of the equipment;

- e. Cash value of retirement, burial or educational trusts or policies; and
- f. Assets owned by disabled person which are needed because of the disability.

3. **Exceptions:**

- a. VIP may waive ceilings on maximum allowable assets in unusual or extremely meritorious situations.
- b. If an eligible client becomes ineligible and the ineligibility is likely to continue so that the client can afford private legal assistance, representation shall be discontinued as long as the discontinuation and the method of discontinuation are not inconsistent with the attorney's professional responsibilities.
- c. A person who is income and asset eligible under these guidelines will not be represented if the legal problem does not come within the priorities of VIP and VIP's case acceptance criteria. In determining case acceptance criteria, VIP can consider the following factors:
 - (1) Merits of claims client wishes pursued;
 - (2) Seriousness of the problem and consequences to the applicant if assistance is denied;
 - (3) Availability of low-cost or pro bono counsel for the particular legal problem for which assistance is sought;
 - (4) Current income prospects, considering seasonal variations in income;
 - (5) Cost of legal representation needed in relation to applicant's assets (even if assets are within eligibility limits); and
 - (6) Program resources required to provide assistance in relation to total resources available.
- d. A person may be denied legal assistance if there is evidence of a prior final judicial or administrative determination that such individual's lack of income results from refusal or unwillingness, without good cause, to seek or accept employment. This paragraph does not bar provision of legal assistance to an otherwise eligible

person who seeks representation to challenge that prior determination.

III. How the Program Works

VIP attempts to refer clients who have meritorious civil cases to volunteers. VIP does not accept criminal or fee-generating matters for referral to volunteers. Generally, VIP's staff does not handle cases on its own; VIP cases are handled by volunteers. VIP screens each case to ensure that the client is income-eligible and to determine that the claim or defense is meritorious. VIP's staff then contacts prospective volunteers to find a person willing and able to handle the case and to provide high-quality professional services. After the referral is made, the staff periodically contacts the volunteer to determine the status of the case and to ask whether any support services are needed. When the representation is completed, the volunteer is asked to report the hours spent on the representation (a requirement imposed by the Legal Services Corporation).

VIP asks volunteers to complete a Volunteer Enrollment Form (see Appendix B) to indicate the kinds of cases in which they have a particular interest or expertise. VIP makes every effort to match the volunteer's interest with the client's needs, and, of course the volunteer may decline any referral. VIP has enough clients to make multiple referrals to volunteers who will handle additional matters.

IV. Malpractice Insurance

Throughout the course of the representation, the volunteer is covered by VIP's professional liability insurance for negligence claims arising from the handling of the VIP matter.

V. Support Services

VIP volunteers are not alone. VIP can assign co-counsel or a mentor, if desired. In addition, VIP has a panel of legal experts available for consultation in virtually every area of the law. Paralegals and law students also are available to assist attorneys.

Court Reporters, title insurance companies, mediators, investigators, hand writing experts, process servers and other experts are often available through VIP on a low or no-cost basis. VIP volunteers who need services from such experts should call VIP to find out what services are available. VIP may reimburse unavoidable costs that the client cannot afford to pay if VIP approves the expense **with sufficient advance notice (preferably at least two weeks)**. VIP has volunteer interpreters who are available to interpret for volunteers. VIP also utilizes the services of Language Line and Nationalities Service Center to provide translation services when necessary for a fee.

VIP offers its volunteers excellent training sessions conducted by experts in various fields of the law. Most training seminars last two hours and carry with them two (2) CLE credits if the attorney accepts one (1) client referral and handles the case to completion. A current schedule of training sessions is available at VIP. The schedule is also published in the Legal Intelligencer

and on VIP's website. Volunteers may request the use of VIP's resource library, which includes training materials, books, sample pleadings, forms and other literature or VIP's library card for Jenkins Memorial Law Library.

VI. The VIP Mentoring Program

VIP offers a wide range of mentoring services. Whether a volunteer needs guidance and one-on-one assistance through all stages of a case or merely wants someone to discuss case strategy with, VIP has appropriate mentors who are highly regarded in their respective areas of expertise. The VIP mentoring program offers newer attorneys the opportunity to meet and work with these seasoned practitioners. The program also provides a unique opportunity for senior attorneys to share their considerable knowledge and experience and to promote access to high quality *pro bono* representation.

A volunteer attorney who would like to work with a VIP mentor should contact the paralegal who referred the case.

If you would like to be a VIP mentor, please complete the VIP Volunteer Enrollment Form (see Appendix B or www.phillyvip.org/volform.htm) and return it to VIP.

VII. The Referral Process

The referral process generally works like this:

- A. Intake. The majority of clients referred to VIP are referred by Community Legal Services (CLS) or Philadelphia Legal Assistance (PLA). CLS and PLA conduct an intake interview and screen the client for financial eligibility, case type and potential legal merit. (Attached as Appendix A are the current income eligibility guidelines used in this screening process.)
- B. Referral to VIP and Additional Screening. CLS or PLA then refers the case to VIP. VIP's Managing Attorney screens again for potential legal merit and appropriateness for VIP referral. The Managing Attorney then assigns the file to one of VIP's paralegals or staff attorneys. If necessary, the referring staff person contacts the client and gathers additional information and supporting documentation.
- C. Referral to Volunteer. The paralegal or staff attorney assigned to the case then contacts potential volunteers (directly or through VIP's designated "Contact Persons" in certain firms) and asks the volunteer to accept the case. (Of course, volunteers may contact VIP and request a referral at any time.) Every effort is made to match the volunteer with the particular type of case that he or she requests. New volunteers are asked to complete VIP's Volunteer Enrollment Form (attached as Appendix B). (See Appendix C for answers to Frequently Asked Volunteer questions.)

- D. Conflicts Checks. The paralegal or staff attorney assigned to the case provides potential volunteers with a case summary, the client's initials and the VIP case number *only* before conflicts are cleared. After conflicts clear, the assigned paralegal or staff attorney provides additional relevant information from the VIP file to the attorney with the confirmation of referral (see E below). If requested, the potential volunteer may request the additional relevant information in the VIP file before accepting the case, but not before conflicts have cleared.
- E. Confirmation of Referral. Once a volunteer accepts a case, VIP sends letters to the clients and the volunteer confirming the referral. Generally, the client's letter (Appendix D) tells the client the name and telephone number of the volunteer, and informs the client that if he or she fails to contact the volunteer attorney within 7 days, he or she may be disqualified from the program. If the client does not contact the volunteer within 7 days, VIP asks the volunteer to send a letter (Appendix E) to the client, reminding the client that he or she must contact the lawyer right away, so that the lawyer can represent the client effectively. The volunteer's letter and Case Referral Form (Appendices F and G) contain information about the client and the facts of the case.
- F. Status Report. VIP also asks the volunteer to complete a short status report one month after the referral is made and every three months thereafter (Appendices H and I).
- G. Referral Incomplete/Not Accepted. If the volunteer is unable to handle the case for any reason, he or she should contact the responsible VIP staff member by telephone immediately.
1. If the volunteer decides not to handle a case when it is first referred, the volunteer should return the entire referral packet to VIP.
 2. If the volunteer is willing to handle the case, but the client does not contact the volunteer after the attorney mails a *please call* letter (Appendix E), the volunteer should complete a Closing Form (Appendix I), showing as the reason for case closure, "Client Did Not Follow Through." The Closing Form (Appendix I) should be returned to VIP.
 3. If after interviewing the client and reviewing the case, the volunteer has doubts about the client's eligibility or the merits of the case or has any other concerns, the volunteer should contact the responsible VIP staff person. If the volunteer decides not to handle the case, the Closing Form (Appendix I) should be returned to VIP, showing the appropriate reason for case closure.

- H. Referral Complete/Representation Agreement. Once the attorney agrees to represent the client, the client and attorney must enter into a written agreement concerning the representation (Appendix J). This makes the respective responsibilities clear and fulfills any obligations that may exist under Rule 1.5 of the Pennsylvania Rules of Professional Conduct. Attorneys may use their own representation agreement or VIP's (Appendix J) and send a copy to VIP.
- I. Costs and Expenses. Court costs for most VIP clients can be waived or avoided by proceeding In Forma Pauperis (IFP). Standard forms to proceed IFP are available by contacting Philadelphia VIP. For non-court costs and court costs that cannot be waived, VIP, with the volunteer's assistance, will attempt to obtain the services for free. VIP has recruited court reporters, title companies, newspaper, and other agencies to provide litigation support on a low or no-cost basis for VIP cases. In addition, VIP has limited funds available for unavoidable cost that cannot be donated or paid for by the client. Requests for reimbursement of costs and expenses should be made to the referring VIP staff person and approved by the Executive Director **before** the costs are incurred.

Note: No fees associated with homeownership cases, or publication costs in name changes cases, will be absorbed by VIP. Clients are told by VIP before their cases are referred that they must have the money to cover these costs. In name change cases, clients are strongly encouraged to escrow the required amount through VIP before the case is referred to a volunteer attorney. In Homeownership cases, the Tangled Title Fund will usually reimburse clients for case-related fees.

Many volunteers or their firms absorb the cost of certain out-of-pocket expenses incurred in connection with the handling of a VIP matter. If you choose to cover those costs, the money may be tax deductible as a charitable contribution.

- J. Closing Form. After the case has been accepted, handled and closed, the volunteer should complete the Closing Form. (Appendix I.)
- K. Ongoing Relationship. VIP hopes that the volunteer enjoyed his or her experience so much that he or she contacts VIP and requests another referral upon completion of the case.

VIII. VIP, CLS, PLA and Volunteer's Responsibility

These are some of the responsibilities of CLS, PLA, VIP and the volunteer attorney in the referral process:

PLA/CLS' Responsibilities

- (1) Interview client
- (2) Determine financial eligibility

- (3) Determine if the client's problem can/should be handled by VIP
- (4) Screen the case for potential legal merit
- (5) If needed, obtain extension, continuance, or LRIS turn-down letter
- (6) Refer the case to VIP
- (7) Provide backup assistance and advice, if needed

VIP's Responsibilities

- (1) Screen the case for potential legal merit
- (2) Gather additional information and supporting documentation
- (3) Refer the case to a volunteer
- (4) Inform the client and referring agency of the referral
- (5) Monitor case and provide backup assistance and advice
- (6) Track cases and their outcomes
- (7) Arrange free or low-cost support services
- (8) Approve requests for reimbursement of costs or acknowledge as charitable contributions any unreimbursed costs
- (9) Coordinate CLE training programs (Appendix K) and materials
- (10) Recruit volunteers
- (11) Handle complaints from attorneys and clients

Volunteer's Responsibilities

- (1) Accept a case referred by VIP
- (2) Discuss with the client the extent of the representation that the volunteer agrees to undertake on the client's behalf
- (3) Fill out the Representation Agreement, sign and obtain the client's signature and return it to VIP
- (4) Complete a Volunteer Enrollment Form and return it to VIP
- (5) Handle the case in a timely and professional manner
- (6) Consult with the CLS/PLA referring attorney or paralegal, if needed
- (7) Keep VIP advised of any problems encountered
- (8) Request training, a mentor, co-counsel or other support as necessary to provide competent representation
- (9) Complete and return the Status/Closing Form one month after receiving the referral, and every three months thereafter until the case is closed

IX. VIP's Staff

VIP's permanent staff includes an Executive Director, Deputy Director, two Managing Attorneys, Associate Director of Administration, Executive Assistant, three Staff Attorneys, three Paralegals, and a part-time Secretary.

Contact Information

Philadelphia VIP
42 South 15th Street, 4th Floor
Philadelphia, PA 19102
(215) 523-9550; (215) 564-0845 (fax)
VIP's website: www.phillyvip.org
LawWorks' website: www.philadelphialawworks.org

| Staff Name | Telephone # (215) 523-9... | E-mail Address |
|---|-------------------------------|--|
| Sharon Browning, Executive Director | 560 | sbrowning@phillyvip.org |
| Martin Costello, LawWorks Attorney | 562 | lawworks@phillyvip.org |
| Kelly Gastley, Independence Fellow, Attorney | 566 | kgastley@phillyvip.org |
| Judith A. Himes, Deputy Director | 565 | jhimes@phillyvip.org |
| Miriam N. Jacobson, Homeownership Attorney | 215-569-2415 | Miriam@mnjlaw.com |
| Terri Jett, Executive Assistant | 552 | tjett@phillyvip.org |
| Ourania Papademetriou, Managing Attorney | 555 | op@phillyvip.org |
| Tanya Rambert, Director of Administration | 556 | trambert@phillyvip.org |
| Stefanie F. Seldin, LawWorks Managing Attorney | 564 | sfseldin@phillyvip.org |
| Brian P. Tait, Paralegal | 554 | btait@phillyvip.org |
| Stefanie C. Whorton, Paralegal (Jesuit Volunteer) | 563 | swhorton@phillyvip.org |
| Tia L. Willams, Secretary | 550 | phillyvip@phillyvip.org |

X. VIP's Board of Directors

VIP's Board of Directors is made up of client representatives, members of the public interest bar, judges, law professors, attorneys and individuals in business. The Chancellor, Chancellor-Elect, Vice-Chancellor and the Executive Director of the Philadelphia Bar Association and the Executive Directors of Community Legal Services and Philadelphia Legal Assistance also serve ex officio on the Board of Directors. All appointments to the Board are approved by the Chancellor and are confirmed by the Philadelphia Bar Association's Board of Governors.

XI. Questions, Problems, Complaints, Suggestions

Being a VIP volunteer should be a rewarding experience. If you have questions or have trouble along the way, VIP's staff is available to help you. Listed below are some areas about which you may need to consult with a VIP staff member. The person listed with respect to each type of inquiry or potential problem is the person most likely to have the answer or information you need. You should contact that person first. If that person is unavailable, other staff members will be happy to help you. Our door is always open!

| Question or Problem | Contact |
|--|---|
| Questions about VIP procedures? | Managing Attorney or any VIP staff member |
| Doubts about client's eligibility? | Managing Attorney |
| Doubts about legal merits? | Managing Attorney |
| Client relations problems? | Managing Attorney or Referring VIP staff person |
| Need support services? (i.e. translation, interpreting) Need a Legal Mentor? | Referring VIP Staff Person |
| Authorization for payment of case-related costs, where costs cannot be waived or otherwise provided and the client cannot pay? | Executive Director or Managing Attorney |
| Suggestions for recruitment? | Executive Director |
| Suggestions for improvement of procedures? | Executive Director |
| Law student and paralegal assistance? | Managing Attorney or Referring VIP staff person |

XII. Funds

A. Donations. VIP is a not-for-profit corporation organized under section 501(c) (3) of the Internal Revenue Code. It is funded primarily by the Philadelphia Bar Foundation, IOLTA and the Philadelphia Bar Association, and receives in-kind support from Philadelphia Legal Assistance (PLA). Other sources of income include Donor Option (#7763) contributions through United Way (VIP does not receive United Way grants from undesignated contributions), direct contributions from law firms and individuals, and grants from private foundations and corporations. Should you wish to make a financial contribution to VIP or if you have contacts at foundations or corporations, please contact VIP's Executive Director.

B. Attorney's Fees. VIP also receives very limited funding from attorney's fee awards in VIP cases. Such awards, the net remaining after the subtraction of any unreimbursed costs incurred by the volunteer attorney firm, are governed by VIP's attorney's fee policy, which is attached as Appendix L. VIP encourages volunteers to obtain attorney's fees whenever possible and will assist with the preparation of fee applications.

C. Solicitation. VIP has a strict no solicitation policy. Should a VIP client ask for assistance on any other matter, besides the one assigned to you as a volunteer, please contact VIP.

XIII. Conclusion

Your involvement in VIP is essential -- to VIP, to the legal community, and most of all, to the low-income Philadelphians who will benefit from your willingness to help. We appreciate your help and so do they. Your dedication, effort, and expertise are vital to VIP's ability to help its clients.

As a VIP volunteer, you will have the satisfaction of knowing that you have helped people in search of justice and a fair deal from the system -- people with literally nowhere else to turn. You will also have the recognition and thanks of VIP, the Philadelphia Bar Association and the legal community.

If you believe you have a story others would like to hear about, let us know, and we will try to include it in our Annual Report or other publications

Thank you for being a part of VIP!

Legal Services Corporation (LSC) Federal Regulations

| 2006 Financial Eligibility Guidelines | | | | | | |
|--|---------------------|---------|-------------------------|---------|---------------------|---------|
| Family Size | 125% Poverty | | 187.5% Poverty** | | 200% Poverty | |
| | Yearly | Monthly | Yearly | Monthly | Yearly | Monthly |
| 1 | \$12,250 | \$1,021 | \$18,375 | \$1,531 | \$19,600 | \$1,633 |
| 2 | \$16,500 | \$1,375 | \$24,750 | \$2,063 | \$26,400 | \$2,200 |
| 3 | \$20,750 | \$1,729 | \$31,125 | \$2,594 | \$33,200 | \$2,767 |
| 4 | \$25,000 | \$2,083 | \$37,500 | \$3,125 | \$40,000 | \$3,333 |
| 5 | \$29,250 | \$2,438 | \$43,875 | \$3,656 | \$46,800 | \$3,900 |
| 6 | \$33,500 | \$2,792 | \$50,250 | \$4,188 | \$53,600 | \$4,467 |
| 7 | \$37,750 | \$3,146 | \$56,625 | \$4,719 | \$60,400 | \$5,033 |
| 8 | \$42,000 | \$3,500 | \$63,000 | \$5,250 | \$67,200 | \$5,600 |
| Each Additional Family Member | \$4,250 | \$354 | \$6,375 | \$531 | \$6,800 | \$567 |
| | | | | | | |
| <p>LawWorks Financial Eligibility for Small Businesses goes up to 300%.</p> | | | | | | |

VIP VOLUNTEER ENROLLMENT FORM

Date: _____

Volunteer Name: _____

Firm: _____

Street Address: _____

City: _____ State: _____ ZIP: _____

Telephone: _____ Fax #: _____ E-Mail: _____

Attorney I.D. Number: _____ Year Admitted to Practice: _____

Please check (✓) appropriately:

| | | |
|--|----------------------|---------------|
| | Disciplinary Actions | Active Status |
| | () Yes | () Yes |
| | () No | () No |

Main Practice Concentration(s): _____

Other Areas of Interest (children, elderly, homeless, mentally ill, etc.): _____

Foreign language proficiency: _____

Please indicate with a "1" all types of matters which you are able to handle; with a "2" all types of matters which you would be willing to handle if VIP arranged to provide training and/or a mentor in that area.

Please write a "3" all matters in which you will serve as a mentor, trainer or supervisor.

| | |
|--------------------------------|---|
| Adoption | LawWorks/Community Groups and Microenterprise |
| Child Custody | Private Landlord/Tenant |
| Child or Spousal Support | Probate |
| Consumer Litigation | Public Housing Evictions |
| Divorce | Real Estate Litigation/Quiet Title |
| Driver's License/Traffic Court | Real Estate Transactions |
| Guardianship | Special Education/School Discipline |
| Immigration/Naturalization | Supplemental Security Income (SSI) |
| Negligence Defense | Tax |

_____ **I am available to volunteer for a community education legal clinic.**

_____ **I am available to accept an occasional emergency case requiring appearance at a hearing on very short notice (less than 10 days).**

Return Completed Form to: Executive Director, Philadelphia VIP
 42 South 15th Street, 4th Floor, Philadelphia, PA 19102
 215-523-9550 215-564-0845 (fax)

FREQUENTLY ASKED VOLUNTEER QUESTIONS

Q: What happens after I accept a VIP case?

A: After accepting a VIP case you will be sent a VIP referral form, information included in the VIP file about the case and the VIP representation agreement. At this same time, your client will receive a letter with your name, address and phone number, and the request that they contact you within 7 days. You will receive a copy of this letter. At the first meeting you and the client should sign the VIP representation agreement. Also note, attorneys may use their own representation agreement or VIP's. *The scope of representation should be filled in carefully, so that you and the client are clear about any limitations on your services.* (Contact VIP's Managing Attorney if you have any questions about the extent of your representation.) Keep the original in your file, give a copy to your client and send a copy to VIP.

Q: What if my client does not contact me?

A: Your client may fail to follow through for several reasons. Your client may not be able to read or understand the letter, may not have received the letter or may have other more pressing problems. If your client does not call you within a few days of your receipt of the VIP letter, try to call the client. If after 10 days your client has not contacted you, and you cannot reach them by telephone, write your client stating that if you do not hear from them within 10 days, VIP will close their file. After 10 days, if your client still has not contacted you, call or write VIP, describing your attempts to contact the client. Under most circumstances, VIP will close the case, and another client can be referred to you.

Q: What if my client doesn't have a telephone?

A: Contacting a client who doesn't have a telephone can be challenging. We recommend that you send your client a letter asking the client to call you at a specific time on a specific date and time. If your client calls while you are on another line or away from your desk, ask your assistant to suggest a time for your client to call back. After your client reaches you, ask them for the telephone number of a neighbor, relative, and/or employer where you can leave a message if necessary. Another way that you can keep in touch with a client who doesn't have a telephone is to schedule weekly telephone "appointments". (For example, the client would call you every Friday at 1:00 p.m.) By keeping "appointments" you will have the opportunity to communicate information to the client.

Q: What if my client does not keep our appointments?

A: Terminating representation of a client due to his/her failure to cooperate is left up to the discretion of the volunteer. Some clients are simply uncooperative, while other clients have personal problems or mental impairments that interfere with their ability to keep

appointments. Address this problem with your client and make it clear that without his/her cooperation you will be unable to help him/her. If, after the discussion, the situation continues, you should contact VIP's Managing Attorney and discuss closing the case.

Q: What if my client doesn't speak English?

A: If you are not fluent in the primary language of your client, VIP can either arrange a volunteer to translate or provide translation services through Language Line or some other service provider. However, our pool of volunteers is limited and Language Line is costly, so we request that you first draw on your firm's resources. If your firm is unable to arrange an interpreter, please contact VIP and we will assist you. If the client speaks Spanish, VIP has Spanish-speaking staff members who have already translated many forms into Spanish. It is a good idea to ask your client for the telephone number of a friend, neighbor or relative of the client who can communicate with both of you. If you plan to relay confidential information through the client's interpreter, you should discuss this with your client.

Additional steps must be taken with the Court if your client does not speak English. If a hearing has been scheduled, you should contact the Court to inform the Court that your client will need an interpreter. In addition to the Court's interpreter who interprets the proceedings, you may want to have an interpreter with you at counsel table, so that you can communicate confidentially with your client during the proceedings. This interpreter is *not* provided by the Court. If you are submitting any documents that are not in English, the documents must be translated and the translation must be certified. VIP can provide information on how to certify the translation.

Q: What if I am fluent in a foreign language and would like to volunteer to interpret for other volunteers?

A: VIP is always in need of volunteers with proficiency in foreign languages. We generally need interpreters who speak Spanish, Russian, French or Vietnamese. Whatever foreign languages you speak, however, please contact VIP because we may have a client who needs your help.

Q: What if there are costs associated with my representation?

A: VIP will cover certain costs *only if* approval is obtained from VIP *before* the cost is incurred. The costs encountered most often are:

- Photocopying medical records - You should first write the doctor and/or hospital and request that the fee be waived. If the doctor refuses, you should ask the client if he/she has the money to pay for the expense. If they do not, VIP may pay to obtain the records if VIP approves the cost *before* it is incurred.



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Fax: 215-546-0845
www.phillyvip.org

- Filing fees - The client should qualify for *In Forma Pauperis (IFP)* status. An *IFP* petition must be filed with the Court. If the client's *IFP* petition is denied, the client must pay the filing fees unless VIP determines that the denial was unjustified. VIP has copies of *IFP* petitions and can explain to you the procedure for filing an *IFP*.
- VIP determines whether or not to cover litigation expenses on a case-by-case basis. If you would like VIP to cover a cost, please contact VIP's Managing Attorney or Executive Director *before* incurring any expense.

Q: What if I determine that my case lacks merit?

A: You should not represent a client if you believe the case is not meritorious. Even if you do not represent your client, you provide a valuable service by explaining the situation to your client, advising your client of available options, and suggesting ways to avoid the problem in the future. If you are not sure of the merits of the case, call VIP and discuss the matter with the Managing Attorney or the Executive Director.

Q: What do I do when my case is finished?

A: You should write a letter to VIP stating the outcome of the case, estimating the number of hours you spent on the case, and indicating whether you are available to take another case. Alternatively, we provide you with the closing form.

Thank You for Volunteering

{VIP Letterhead}

(Date)

Client's Information

Dear Client's Name:

We have determined that you qualify for Philadelphia VIP. The lawyer who will represent you is:

Volunteer's Information

You should call this lawyer at **(Volunteer's Telephone Number)** within seven (7) days. If you do not do so, he or she may not decide to help you.

Although you will not have to pay for the lawyer's work, you may have to pay some court costs. The lawyer will tell you how much these costs will be. If you cannot pay the costs, please tell your lawyer. If your financial status changes during the time your lawyer is representing you, please tell VIP and your lawyer.

If you have any questions or if you have trouble connecting with your lawyer, please call me as soon as possible.

Sincerely,

Staff Attorney/Paralegal Telephone: 215-523-95

cc: Volunteer's Name, Esquire

SAMPLE LETTER

{Date}

Client's Name

Client's Address

Re: VIP Representation – VIP case Number

Dear Client's Name:

I am the attorney who has agreed to take your (Insert type of case, e.g. divorce custody...) case on a *pro bono* basis through Philadelphia VIP. On (Insert date of client letter), you were sent a letter that told you to contact me as soon as possible; however, I have not heard from you.

I need to speak with you right away so that I can represent you effectively. Please contact me immediately at (insert your number), so that we can schedule an appointment. I cannot represent you unless you get in touch with me. If you no longer need a lawyer, please call and let me know. If I do not hear from you within 10 days, I will assume that you no longer need representation, and I will close your file in this office. I will also inform VIP that you have not contacted me, and VIP may disqualify you from receiving legal assistance through their program.

I look forward to working with you.

Sincerely,

(Insert your name)

cc: Philadelphia VIP

{DATE}

Volunteer's Information
Firm
Address

Re: **Client's Information**
V.I.P. File #

Dear Volunteer:

Thank you again for agreeing to take the above client's case on a pro bono basis from Philadelphia VIP.

By taking this referral, you have agreed to give this client the same degree of professional care and attention that you give your fee-paying clients. If you do not regularly practice in the area of law involved in this case, VIP offers sample pleadings, training seminars, and access to expert practitioners who can act as mentors.

We also have made arrangements with many professionals, e.g., court reporters, mediators, title insurance companies, translators and interpreters, to provide free support services to VIP clients if needed. Finally, VIP can reimburse you for some limited expenses if you receive approval from the Executive Director before you incur the expenses.

At the conclusion of the case, you will receive an acknowledgement of your contribution of any unreimbursed expenses to the program, which may be claimed as a charitable contribution for income tax purposes. We ask that you "bill" us from time to time (at least once every three months), showing how many hours you have donated at what cost and

Volunteer Name, Esquire

Re: Client's Name

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giving us a short narrative description of the services you provided; we will send you a form which you can complete and return to us. This not only helps us keep track of our cases, but also helps us recognize your contributions to the program.

We are here to serve you; our job is to make your job easier. Philadelphia VIP is, above all else, a partnership. We look forward to being of service to you as you volunteer your services to those who are unable to afford them. Thank you for your **Very Important Participation** in this program.

Sincerely,

Staff Attorney/Paralegal

Telephone: 215-523-95

PLEASE SIGN, DATE AND RETURN THIS LETTER TO
ACKNOWLEDGE RECEIPT OF THIS REFERRAL. MAKE SURE TO
KEEP A COPY FOR YOUR RECORDS. BY SIGNING THIS
REFERRAL, I AM ALSO CERTIFYING THAT I AM ON ACTIVE
STATUS AS AN ATTORNEY IN THE COMMONWEALTH OF
PENNSYLVANIA.

NAME: _____ Attorney I.D # _____

DATE: _____

Enclosures: Acknowledgement for return to V.I.P.
Attorney/Client Agreement

Referred: (Date of Referral)

Client: Client's Name

Casnumber: VIP File Number

PHILADELPHIA VIP CASE REFERRAL FORM

Date of Interview:

Interviewer:

Client's Name:

Non-Adverse Spouse/Partner:

Address:

Telephone:

E-mail:

Social Security Number:

Date of Birth:

Fluent in English?

If not, primary language:

Is the client a veteran?

Source of Household Income (Employment, Public Assistance, etc.):

Amount of Household Income (Gross):

Number of People Living in Household:

Assets (bank accounts, real estate, etc.):

Opposing Party (list all):

Opposing Counsel (if any):

Facts (use additional space if necessary):

Action Desired/Client's Goal:

Deadline (if any):

List documents attached (if any): [please attach copies of deed, any lease or purchase agreement, receipts for payments, death certificate[s], etc. relating to homeownership issues]

PHILADELPHIA VIP INITIAL STATUS REPORT

October 26, 2006

Dear _____:

We would be grateful if you would answer these questions regarding the following referral:

Client:

Date Referred:

1. I have undertaken representation of the client.

Yes _____

No _____

If not, why not?

2. Brief summary of action taken to date:

(Use additional space if needed)

3. If court action has been required since your last report:

Caption:

Court Term & Number:

4. Brief summary of further intended action on this matter:

5. Approximate number of hours spent on case: _____

Volunteer's Name & Address

Thank you for your generous and continued support. If you have changed firms, address or telephone number, please let us know.

Mail or Fax to: Managing Attorney, Philadelphia VIP, 42 South 15th Street, 4th Floor, Philadelphia, PA 19102, Telephone: 215-523-9550, Fax: 215-564-0845.

STATUS REPORT AND/OR CLOSING FORM

Date:

Dear _____:

Philadelphia VIP tracks the status of each case we refer at regular intervals. Please complete and return this form as soon as possible by fax (215-564-0845), or by mail (Philadelphia VIP, 42 South 15th Street, 4th Floor, Philadelphia, PA 19102). **(This form can also be sent electronically at your request.)** If you have any questions, please call 215-523-9550.

Client:

Date Referred:

V.I.P. File #:

1. Is the case open?

If open, what is the status of the case and when do you expect to close it?

If closed, what is the main reason it was closed (please check one)? Approximately how many hours did you spend on the case?

| | | | |
|----------------------------------|-----|-----------------------------|-----|
| | (Y) | | (Y) |
| CLIENT UNCOOPERATIVE/WITHDREW | | OTHER | |
| COUNSEL AND ADVICE | | RESOLVED WITH LITIGATION | |
| INTERVIEWED & PREPARED DOCUMENTS | | RESOLVED WITHOUT LITIGATION | |

2. When can you accept another case?

3. Do you want VIP to submit your name to Probono.net? See enclosed brochure. ____YES ____NO

4. Please tell us how you feel about working with VIP.

volunteer's name & address (please print)

DATE

THANK YOU FOR YOUR CONTINUING SUPPORT OF VIP!

PHILADELPHIA VOLUNTEERS FOR THE INDIGENT PROGRAM
42 South 15th Street, 4th Floor ● Philadelphia, PA 19102 ● 215/523-9550

REPRESENTATION AGREEMENT

This Agreement for civil legal representation and services is between _____, a
volunteer with the Philadelphia Volunteers for the Indigent Program (VIP), hereafter called the "Legal Representative,"
and _____, hereafter called the "Client."

The Client hereby authorizes the Legal Representative and VIP to represent the Client in the civil legal matter
described as follows:

The Client also authorizes the Legal Representative to obtain any information or documents necessary for such
representation, and to assist the Legal Representative in obtaining all of the facts for the case. The Legal Representative
agrees to give the Client zealous representation in the above-described legal matter, and to work with VIP in obtaining
necessary supportive services. The Legal Representative's obligations under this Agreement end after the matter has
received a final adjudication in the current legal forum, although the Legal Representative may choose, upon consultation
with VIP, to take appropriate further steps in the matter at the Client's request.

* * * * *

I HAVE THE FOLLOWING RIGHTS AS A CLIENT:

1. To be kept informed about any important developments in my case.
2. To be consulted before any significant decision is made on my behalf, and to be given sufficient information to make an informed decision.
3. To be consulted on any settlement proposal on my case before the matter is settled by my Legal Representative.
4. To have information regarding my case kept confidential. However, I recognize that my Legal Representative may discuss certain facts of my case with individuals at VIP and with others to the extent that it is necessary for representation in this case.

AS A CLIENT I PROMISE TO DO THE FOLLOWING:

1. To inform my Legal Representative of any change in my address or telephone number.
2. To inform my Legal Representative of any change in my income or assets.

3. To appear at my hearings and court appearances, and to keep all appointments with my Legal Representative unless I have called in advance to cancel the appointment.
4. To pay any litigation fees or fees for obtaining necessary documents which are not waived if I am able to do so.
5. To avoid communications with opposing parties or opposing counsel without prior consultation with my Legal Representative.

LEGAL REPRESENTATIVE'S OBLIGATIONS:

1. To keep the Client informed of what is being done about the Client's case and to consult with the Client before any significant decision is made on the Client's behalf.
2. To represent the Client free of charge, accepting no attorneys' fees from the Client. If the Client is able to pay, he/she will have to pay any court fees and fees for obtaining documents, unless those fees can be waived. Any attorneys' fees that may be awarded by the court and/or paid by the opposing party in this representation will be distributed in accordance with the VIP Attorneys' Fees Policy then in effect.

TERMINATION OF REPRESENTATION:

1. The Client is free to request that the Legal Representative cease representing him or her at any time for any reason, subject to necessary court approval. In the event of dismissal of a Legal Representative by the Client, VIP does not guarantee that another Legal Representative will be found.
2. The Legal Representative may cease representation of the Client, subject to necessary court approval, under the following circumstances: (a) further representation would be useless or unreasonable, or would not help to achieve the Client's objectives; (b) the Client is no longer financially eligible for services through VIP; (c) the Client has failed to cooperate in the representation; or (4) when otherwise mandated or allowed by the Rules of Professional Conduct.
3. VIP may close, withdraw from or dismiss the Client's case, subject to the necessary court approval and consistent with the Rules of Professional Conduct, if: (1) the legal service it has agreed to provide is completed or if, in VIP's reasonable opinion, further representation would not benefit the Client; (2) the Client is found to have misrepresented or concealed facts concerning the case; (3) the Client refuses to obey a court order that the Legal Representative has advised the Client to obey; or (4) the financial circumstances upon which the Client was accepted by VIP change significantly.

I have received a copy of this Agreement.

| | |
|--------|------|
| Client | Date |
|--------|------|

| | |
|----------------------|------|
| Legal Representative | Date |
|----------------------|------|



42 South 15th Street, 4th Floor
Philadelphia, PA 19102
Phone: 215-523-9550
Fax: 215-546-0845
www.phillyvip.org

CONTINUING LEGAL EDUCATION CREDITS AVAILABLE FROM VIP

Philadelphia VIP, in cooperation with the Pennsylvania Continuing Legal Education Board (CLE Board) will grant continuing legal education (CLE) credits for attendance at its training programs to lawyers who accept a VIP case and handle the case to its conclusion.

There is no charge to the volunteer for the training program or training materials. Volunteers who participate must meet all of the other requirements of the CLE Board. The volunteer will be credited one CLE credit for each hour of course work. There is no limit, however, on credits obtained annually through VIP.

VIP tries to refer the case prior to the training session. Volunteers will be expected to handle one case to completion for **each course** they attend. (If the client withdraws before any action has been taken, or if it is determined that the case is not meritorious, another case will be referred to the volunteer.) CLE credits will be withdrawn if an attorney fails to complete a case to conclusion.

For more information about this program, contact VIP at 215-523-9550.



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Philadelphia, PA 19102
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ATTORNEY FEE POLICY

VIP screens all cases for fee-generating potential, and those which may result in an award from which a fee could be paid by one of the litigants, e.g., divorces with substantial assets, are sent to Lawyers Referral and Information Services (LRIS). Only if LRIS turns the case down is it referred to a VIP attorney. Nevertheless, a case sometimes develops in such a way that fees become possible. If this occurs, the attorney and the client have several options:

1. Advise VIP and the client that the case has become potentially fee-generating, and send the client to LRIS for new representation. Withdraw representation, and VIP closes the case in the office.
2. If the client wishes to continue with the volunteer attorney as a paid representative, VIP must be informed that the case is being closed as a *VIP pro bono* case. When an attorney become aware of any fee generating matter for a client, the attorney must contact VIP's managing attorney before offering to assist that VIP client. The attorney must inform the client that s/he is under no obligation to continue with the volunteer, and that referral to the LRIS is available. If the client wishes to maintain the relationship with the attorney, the attorney from that point treats the case as any other paying case would be treated. VIP closes the case in the office.

If money is awarded that consists of funds owed to the client, for example, retroactive SSI payments, VIP does NOT consider this a source of fees. In a successful SSI case, the client receives this money after the Department of Public Welfare (DPW) takes a portion of it for reimbursement.

In those rare instances when fees are available to compensate for attorney's time, e.g., fee awards in special education cases, VIP encourages the volunteer to pursue the award. If the volunteer does not wish to do so, VIP should be notified so that a decision can be made whether to assign counsel for the award petition. If the volunteer files the petition, the recommended division of the funds is 50% to VIP and 50% to the volunteer, after any costs incurred by the volunteer are paid.

When an attorney becomes aware of any fee-generating matter for a client, the attorney must contact a VIP managing attorney before offering to assist that VIP client. The attorney must inform the client that s/he is under no obligation to continue with the volunteer, and that referral to the LRIS is available. **VIP has a strict no solicitation policy.** Should a VIP client ask for assistance on any other matter, besides the one assigned to you as a volunteer, please contact VIP.