

**REMOTE VOLUNTEER ATTORNEY PROTOCOL
LEGAL AID OF NEBRASKA ACCESSLINE®**

This protocol governs the process by which remote private attorneys will provide volunteer legal services to Legal Aid of Nebraska clients through the AccessLine® and is subject to change as deemed necessary by the AccessLine® Managing Attorney. Services provided pursuant to this protocol are done so under the supervision of the AccessLine® Managing Attorney. All volunteers must sign a Client Confidentiality Agreement before commencing volunteer work.

A. VOLUNTEER ATTORNEY AND CONFLICTS OF INTEREST

Legal Aid of Nebraska operates a legal advice hotline called the AccessLine®. AccessLine® staff provide short-term limited legal services to low income individuals. The Supreme Court of Nebraska adopted a conflicts rule for legal advice hotlines sponsored by a nonprofit, such as Legal Aid of Nebraska. The genesis of the rule was to make it easier for the private bar to volunteer at nonprofit limited legal services programs without the burden of adhering to strict conflict rules.

Pursuant to Nebraska Supreme Court Rule 3-506.5, a volunteer attorney providing limited legal services under the auspices of a nonprofit organization is exempt from the current client conflicts rule, former client conflicts rule and the rule imputing conflicts to another lawyer in the same law firm unless the volunteer attorney has actual knowledge of a conflict of interest. Thus, attorneys providing volunteer services to Legal Aid of Nebraska clients under this rule are not required to do a systematic screening for conflicts before they provide legal assistance but *must* decline the representation if they have actual knowledge a conflict of interest exists. Likewise, volunteer attorneys *may* request systematic conflict of interest screenings in cases in which they routinely provide legal assistance to clients with interests adverse to those clients of Legal Aid of Nebraska. Such requests will be granted; and, a conflict of interest check will be conducted in those instances before the case is assigned to the volunteer attorney.

To be covered by Rule 3-506.5, the legal assistance provided by the attorney must be short term, with no expectation on the part of the client that the representation will continue beyond the limited consultation. Thus, this rule should not, and will not, be relied upon if the scope of legal services expands to include multiple consultations and third party advocacy on behalf of the client.

If, at any time, the volunteer attorney determines s/he should or must engage in multiple consultations with, and/or third party advocacy on behalf of, a Legal Aid of Nebraska client, s/he must inform the AccessLine® Managing Attorney of such decision and conduct a systematic conflict of interest screening.

B. INFORMED CONSENT

Rule 3-506.5 requires informed consent on the part of the client receiving limited scope services provided by the volunteer attorney. The limited services must be reasonable and may be limited by agreement, or by the terms under which the lawyer's services are made available to the client. Volunteer attorneys providing limited legal services to Legal Aid of Nebraska clients under Rule 3-506.5

must obtain the client's informed consent concerning the scope of services to be provided and document such consent in the client's electronic case file. An informed consent disclaimer will be provided in each client's electronic case file.

C. SUBSTANTIVE LEGAL AREAS

Private attorneys providing volunteer services to Legal Aid of Nebraska clients through the AccessLine® shall provide the AccessLine® Managing Attorney with the substantive area(s) in which they prefer to provide legal advice. Cases within those substantive areas only will be assigned to volunteer attorneys. If, after obtaining a case, the volunteer attorney discovers s/he is not comfortable providing legal advice relevant to the legal issue(s) and/or the legal issue(s) does not fall within the preference s/he provided, the volunteer attorney may refer the case back to the AccessLine® Managing Attorney for proper handling by the AccessLine®. Volunteer attorneys may edit their preferences at any time upon notification to the AccessLine® Managing Attorney.

D. COMMITMENT

Private attorneys providing volunteer services to Legal Aid of Nebraska clients through the AccessLine® shall provide the AccessLine® Managing Attorney with their level of commitment, whether measured by time or number of cases. If the level of commitment is measured by time, the private attorney must provide the AccessLine® Managing Attorney with the weekly or monthly number of hours. The AccessLine® Managing Attorney will attempt to assign the requisite number of cases to the volunteer attorneys to fulfill the time commitment. Periodic checks will be conducted by the AccessLine® Managing Attorney to ensure the cases assigned fulfill the desired time commitment.

If the level of commitment is measured by time, the private attorney may be asked to provide the AccessLine® Managing Attorney with a set time each week s/he may be available to place calls to Legal Aid of Nebraska clients to provide limited legal advice. Alternatively, the private attorney may prefer AccessLine® staff obtain the best time to reach the client, in which case the private attorney will attempt to do so at the designated time.