

✓ **Project ADVoCATE:**

**OPERATIONS PROCEDURE  
GUIDELINES**



**PROJECT OF THE AMERICAN BAR ASSOCIATION**

**SECTION OF CRIMINAL JUSTICE**

63236

## **DISCLAIMER**

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**A Project of the American Bar Association  
Section of Criminal Justice**

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## PREFACE

### Project ADVoCATE: Operations Procedure Guidelines

Project ADVoCATE, sponsored by the American Bar Association's Criminal Justice Section, is a nationwide effort to provide counselling and civil legal assistance to offenders and ex-offenders. It encourages and assists state and local bar associations in establishing and operating programs which match volunteer attorneys with offenders and ex-offenders faced with a variety of noncriminal problems thwarting their successful reintegration into society.

The project was established in late 1976 in response to a resolution which had been approved by the Association earlier that year. The resolution reads:

*Be It Resolved,* That the American Bar Association urges each ABA member to contribute his or her services voluntarily as a personal counselor, on a one-to-one basis, to an offender or ex-offender who has no lawyer, to assist in that person's successful reintegration into society. Such counseling might include guidance and assistance on matters such as job training, employment (including information on existing laws and procedures restricting ex-offenders seeking jobs), family relations, personal finances, housing, expungement of records etc., based on the attorney's own expertise, or from appropriate available outside community sources located by the attorney.

In authoring this resolution, I was convinced of several things. First, I knew by experience that the offender or ex-offender commonly faces a number of problems with respect to reintegrating into society, and that the frustrations of these and the inability to deal with them often lead directly or indirectly to additional criminal activities. I was, therefore, convinced that effective assistance with these problems would serve to reduce recidivism. I was also convinced that members of the bar have the ability and the responsibility to provide such effective assistance. Through education and experience, attorneys can identify a large range of problems typically faced by offenders and can be helpful in overcoming them, either per-

sonally or through referral to a more appropriate source of legal or non-legal assistance. As to responsibility, the **ABA Code of Professional Responsibility**\* specifically points out that every lawyer has an obligation to volunteer his or her professional services to the disadvantaged—a category into which the majority of offenders fall. With regard to society as a whole, I was convinced that it, too, would benefit from volunteer efforts which would reduce crime, allow for diversion of tax dollars from the criminal justice system to other areas, and make taxpayers and productive citizens out of those offenders who, without assistance, would become a financial burden to be shouldered by other members of society.

The purpose of the resolution, therefore, was to draw attention to the problem and to suggest a practical solution. Formal action to approve it was taken by the Criminal Justice Section's governing Council at its Fall Council Meeting in Amelia Island, Florida in November, 1975, and by the ABA's policymaking House of Delegates at its Midyear Meeting in Philadelphia, Pennsylvania in February, 1976.

In December, 1976, the Criminal Justice Section obtained funding from the U. S. Department of Labor to implement the resolution by encouraging state and local bar associations to set up organized volunteer projects. The program was called Project ADVoCATE (**Attorneys Donating Volunteer Counselling Assistance To Ex-Offenders**).

A National Advisory Committee of distinguished individuals in the field of offender assistance was appointed to provide initial and continuing guidance. Many others were also called upon. Norman Carlson, Director of the U. S. Bureau of Prisons and Wayne Jackson, Director of the D. C. Bureau of Rehabilitation were extremely receptive to my request for the support and expertise of their respective institutions, and I would like to take this opportunity

\* Code of Professional Responsibility (as amended August, 1976) American Bar Association. Canon 2, Ethical Consideration 2-5.



to thank them. I would also like to thank the members of the National Advisory Committee and all others who have contributed to the Project.

Today, approximately a dozen bar groups are actively engaged in establishing and running local ADVoCATE affiliates, and others are considering their establishment. Most of the projects are co-sponsored by or cooperating with other local groups also working to help offenders in a variety of ways. These include correction departments, departments of probation and parole, church groups, volunteer parole aide and probation programs, and other private volunteer organizations. To support these projects, the national ADVoCATE staff has prepared these "Project ADVoCATE: Operations Procedure Guidelines" to supplement an earlier "Project ADVoCATE Manual for Establishing a Bar-Volunteer Project."

Project ADVoCATE has been a natural outgrowth of the ABA's concern over a number of years with the problems faced by offenders seeking to resume a responsible position in society. From 1971-75, the ABA's Criminal Justice Section and Commission on Correctional Facilities and Services co-sponsored the National Clearinghouse on Offender Employment Restrictions which sought to help policymakers reduce formal job barriers such as licensing and civil service restrictions. The project developed models for remedial legislation and regulations which were subsequently used by groups throughout the country interested in eliminating or modifying employment restrictions. Manuals, monographs and studies were developed and conducted on various aspects of the problem.

In 1975, the ABA approved a recommendation calling for the elimination of all laws which deny government employment or occupational licensing of ex-offenders without consideration

of the relationship between the offender's record and the position or license sought, or which permit adverse action against ex-offenders seeking government employment or occupational licensing based on arbitrary criteria. The recommendation further urged the federal, state and local governments to assure that ex-offenders receive full and fair consideration in hiring and licensing decisions subject to their control.

A year later, the Association adopted the volunteer counselling and civil legal assistance resolution as well as two other policy positions designed to help ex-offenders. One of these urged states to make available to all prisoners requiring it training in basic educational skills and instruction leading to high school equivalency diplomas, and to relate such academic studies to vocational skills and other requirements of productive life in the free community.

The other called upon Congress and the states to facilitate ex-offenders' reintegration into society by providing them with "gate money" for necessary food, lodging and clothing for a minimum of one month following release. It also urged that appropriate action be taken to make loans to releasees to enable them to secure tools, uniforms, and other materials necessary for their gainful employment.

While these various resolutions and projects of the American Bar Association have done much to assist offenders, much more remains to be done. Project ADVoCATE has shown how the bar can work as part of the community to ensure that offenders receive the services they need. I urge bar members and non-bar members, volunteers and professionals to continue and expand this worthwhile endeavor in their communities.

HON. CHARLES R. RICHEY  
U. S. District Court for the  
District of Columbia  
December, 1978

## **INTRODUCTION**

This Manual supplements and complements the Project ADVoCATE "How To" Manual for starting a local project. Presented here are recommendations for the running of a project, including (1) staff responsibilities, (2) volunteer recruitment and (3) project management.

Part A of the Manual provides an overview of the different ways in which the project is being implemented. As can be seen, the variety of implementation schemes prohibits the preparation of a single staff-project operations manual.

Part B of the Manual includes our project operations recommendations. These are accomplished in a generic manner which looks to the task assignments as being fulfilled in different ways on different projects.

Projects are free to accept or reject the recommendations herein. Our purpose is to alert projects to potential problem areas, so that action may be taken to prevent problems from occurring. Alternative procedures may be more realistic answers to the local conditions in which projects exist than those suggested here. Cost of implementation may also be an inhibiting factor.

## **PART A**

### **PROGRAM CHOICES—OVERVIEW**

While the purpose of each local ADVoCATE project is the same—providing civil legal assistance to offenders and ex-offenders—implementation varies depending upon the needs and resources that exist within each local jurisdiction. Among the factors promoting diversity that local ADVoCATE projects will consider are: interest among potential cosponsoring agencies; criminal justice agency cooperation; extent and nature of offender programming by CETA prime sponsor; activities of existing volunteer programs of the bar; and potential fundors' desires. Thus, ADVoCATE projects will serve different clientele groups, have different administrative structures, utilize different client screening mechanisms and staff, and coordinate with different agencies. While all projects employ some method for personalized recruitment of bar volunteers, this too may vary, as it is sometimes part of a joint recruitment effort with another volunteer program and sometimes a singular effort.

Chart 1 outlines the critical points at which projects may differ.

#### **Cosponsorship**

Many ADVoCATE projects are cosponsored by both the bar and by nonbar groups. With co-sponsorship comes lower project costs from the use of existing projects' administrative structures, and increased ability for controlled intake of clients. The co-sponsorship structure may be complex (as in Connecticut where it includes both a private correctional association as the project administrator, and the state Department of Corrections as the recipient of LEAA funds), or relatively simple and informal (as in Missouri where the state probation/parole agency provides staff assistance through its volunteer program office).

#### **Clients Served**

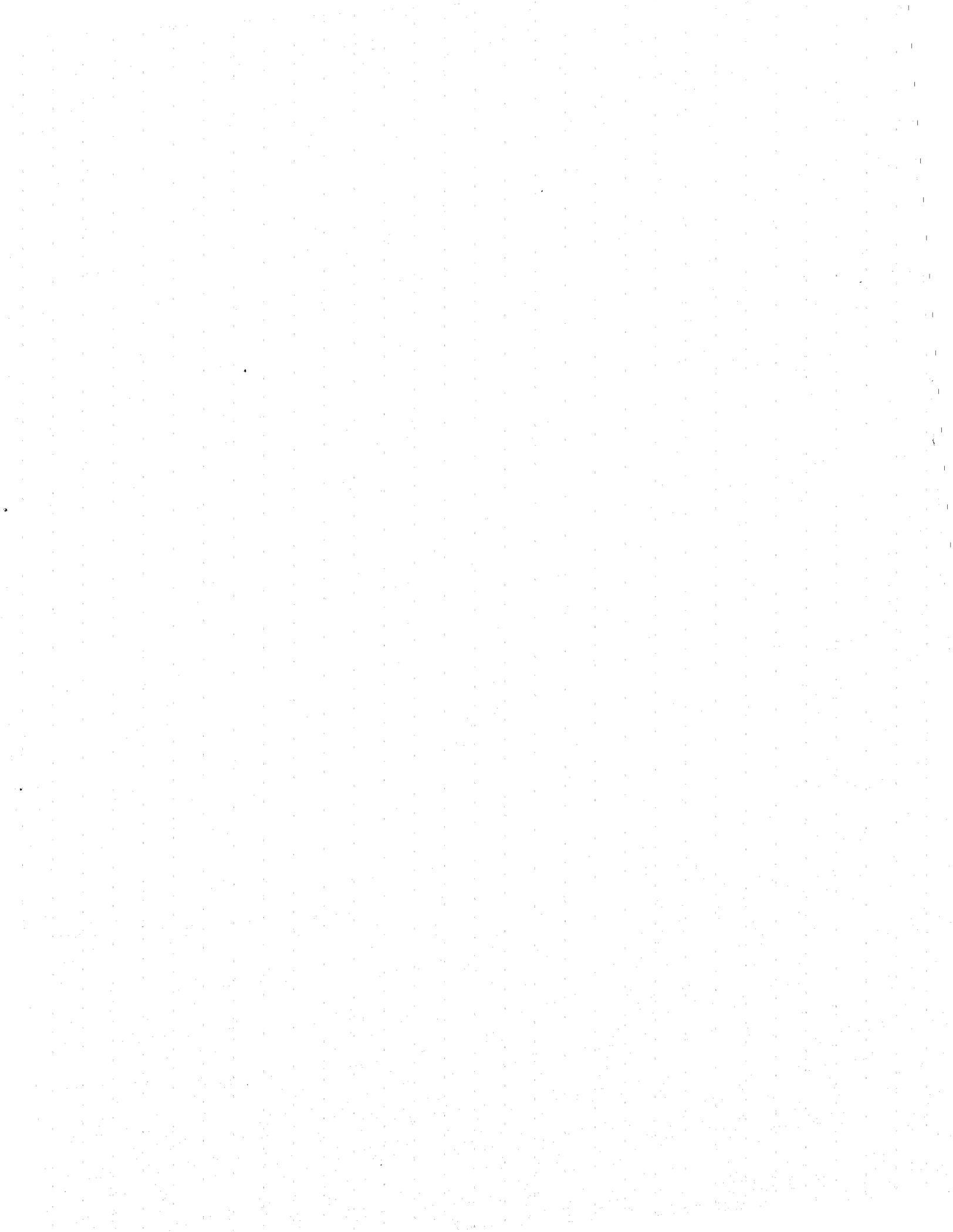
Each project must determine the client population it wishes to serve. This is the most critical decision for a project, involving factors relating to co-sponsorship, extent of criminal justice agency cooperation, and fundor desires. The critical nature of this decision derives from the likelihood that, at least at the outset, there will not be sufficient numbers of bar volunteers to meet the total civil legal aid needs of offenders within the criminal justice process. Hence, intake of clients will need to be controlled. As projects grow, it is expected that more volunteers will be available. Several projects have planned for progressively increasing the size of the eligible client pool. The simplest way to do this is to continue client eligibility of past clients as they move through the justice system as, for example, when halfway house residents leave the house to come under probation or parole supervision. These clients and former clients may also be expected to spread word of the project to their peers: i.e., other probationers and parolees. By planning for this occurrence, projects are able to foresee requests for help from former clients and their peers at a later point in time. Project credibility and effectiveness are aided by this planning.

#### **Volunteer Recruitment**

Volunteers may elect to serve with ADVoCATE in several capacities. They may volunteer as:

- screeners/counsellors
- counsellors
- case representation
- backup in specialized areas of law to other volunteers who provide case representation
- a combination of the above.

Volunteer recruitment may be undertaken as a separate effort of the ADVoCATE staff, or it



may be integrated with volunteer recruitment of other projects of the bar or project co-sponsors. In any case, a great deal of flexibility is necessary to obtain maximum benefit from each volunteer. Some attorneys may want to work primarily or exclusively on certain kinds of civil law problems; these persons may service a relatively large number of clients with similar legal problems. Others, while also wishing to concentrate on civil law problems, may wish to serve more as "general" practitioners. Still others may wish to concentrate on a few clients, serving as "big brothers" or "big sisters" as well as providers of legal services. The "screening" position may appeal to some who prefer not to handle legal problems directly, but who enjoy culling out and identifying a wide variety of legal and non-legal problems. Each of these types—and others—are valuable to the program, and none should be overlooked in the recruitment process.

#### **Intake and Screening Procedure/Staff**

The decision as to what general class of client (e.g., inmates, parolees, probationers) the project will serve is a policy decision to be made in the initial stages of the project. Decisions as to which individuals within that class are actually to receive counselling services, and the sort of counselling services they are to receive, are program decisions, to be made on a case-by-case basis on the staff or volunteer level by "screeners". Screeners and screening procedures differ from project to project. They are usually determined to a great extent by the

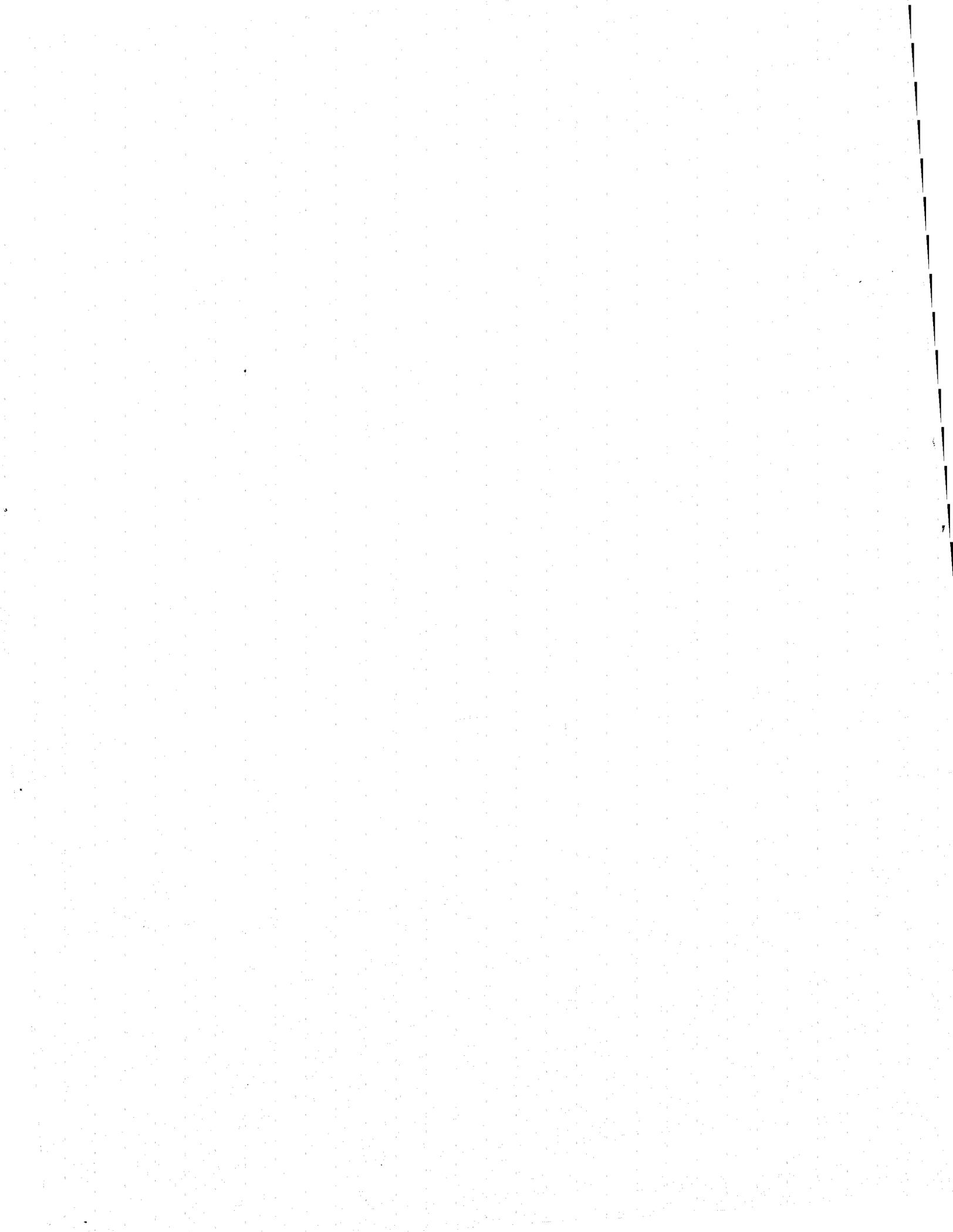
selection of the client referral source (which, in turn, is determined by the original policy decision on the general class of client to be served).

#### **Paralegal Advocacy**

Help with legal problems may not require the full services of an attorney. Often the client may be able to use self-help techniques, or need only help from a paralegal or law student under supervision. The use of these personnel is cost-effective, since bar volunteers' time is a scarce resource, needing to be conserved. However, as noted above, some bar volunteers may wish to provide only legal counselling assistance, including some simple advocacy tasks such as telephone calls requesting the cooperation of a government office. Legal counselling tasks may be expected to suffice in the great majority of cases (in one inmate legal services project, only three percent of inmate requests required case representation, such as filing of court papers).

#### **Attorney Coordinator**

The role of the attorney coordinator is: (1) to act as supervisor of the screeners and (2) to provide the link between the clients and the volunteer attorneys. All referrals are made through the coordinator except those where an attorney volunteer acts as both intake person and as the legal aid provider (i.e., in the gripe night structure). The coordinator may be a staff employee, a volunteer attorney or a staff member of a cooperating lawyer referral program of the bar.



**CHART I—PROJECT PROFILES**

	Cosponsorship	Primary Client Grip	Secondary Client Grip	Recruitment Staff	Screening Staff	Referral Staff
CT Bar Assoc.	CT Prison Assoc. —Inmate Legal Aid Program —VPA Dept. of Correct.	Prob/Parolees at DOC Multi-Service Cntr.	N.A.	Joint ADVoCATE & VPA Staff	—Probation Staff —Law Students	ADVoCATE Project Staff
DC Bar*	Bureau of Rehab. —Halfway House	Halfway House Residents	U.S. Probationers	Project Staff	Halfway House Staff	ADVoCATE Project Staff
MN Bar Assoc.*	AMICUS —Volunteers Law School —Clinic	AMICUS Clients (Parolees)	Referrals from CETA funded agencies: HIRED	AMICUS Staff (VISTA volunteer)	Law Students & AMICUS Volunteers	AMICUS VISTA Staff
Phil. (PA) Bar Assoc.	City Probation —VPA Comm. Legal Serv. —Inmate Proj.	Jail Inmates or city Probationers	N.A.	VPA Staff	Probation & Jail Staff	ADVoCATE Project Staff
PA Bar Assoc.	PA Prison Society	Jail Inmates	N.A.	Project Staff	N.A.	ADVoCATE Project Staff
MI Bar Assoc.	District Attorney —Pretrial Diversion Proj.	Pretrial Divertees	N.A.	N.A.	N.A.	N.A.
Dade Cnty (FL) Bar Assoc.	None	Arrestees in State & Federal Courts	U.S. Probationers	Project Staff	Public Defenders & Proba. Staff	Lawyer Referral Mechanism
IN Lawyer's Comm.	IN Legal Services Office —Inmate Proj.	Prison Inmates	N.A.	N.A.	N.A.	Lawyer Referral Mechanism
MO Bar	State Prob/Parole —VPA	—Jail Inmates and —State Probationers and Parolees	None	Bar Volunteers	Jail and Probation and Parole Staff	ADVoCATE Bar Volunteer Coord.

VPA = Volunteer Parole Aide Program

\* Not formally endorsed

## PART B

### PROGRAM OPERATIONS

The major areas of program operations are:

- Recruitment of Volunteers
- Client Intake
- Client Advocacy (Paralegal)
- Client Referral
- Program Management

Recruitment of volunteers through personalized contact is stressed here.

Client intake is the acceptance into the project of "offenders" requesting civil legal assistance, including the necessary report forms.

Client advocacy by paralegal with attorney volunteer backup is an optional project feature.

Client referral includes both the assignment of clients to bar volunteers and the referral "out" to sources of non-legal assistance when that is required in addition to or in lieu of project services.

Program management refers to those tasks that running a project entails, including staff hiring, office policies and procedures, and record keeping.

#### Recruitment of Volunteers

An effective and ongoing effort to recruit attorney volunteers is essential to the success of an ADVoCATE project. Even if the initial response to the project results in a large volunteer pool, attrition for various reasons (e.g., moving out of the community, family responsibilities, health) will cause a continual decrease in the volunteer roster which must be made up by additional recruits. Moreover, demand for ADVoCATE services may be expected to increase as word spreads throughout the offender community about the availability of assistance with civil legal problems and skepticism about its effectiveness decreases.

Recruiters should always keep in mind that the quality as well as the quantity of volunteers is important. Thus, the challenge to the recruiter is not only to convince a number of attorneys to sign up, but to inspire them to be active and effective volunteers.

Attorneys may be asked to serve the project as volunteers providing:

- legal counselling and/or interviewing
- case representation
- support to other attorneys

#### Sources of Volunteers

Sources from which to recruit volunteer attorneys may vary somewhat from project to project, but most projects are able to tap the following: state and/or local bar associations; law firms; general counsel offices of government agencies and private corporations; retired lawyers; and church groups, volunteer programs and other related activities which involve attorney members.

**Bar associations.** As bar endorsement (or endorsement of a bar component, such as the Young Lawyers Section) is a requirement for the establishment of local ADVoCATE affiliates, the sponsoring bar is, of course, the most logical first source of volunteers. Indeed, the sincerity of a bar association which endorses the ADVoCATE concept but fails to follow through with a good show of volunteers would be suspect. Nevertheless, it is much easier to endorse a concept than to execute it, and most bar associations have had little experience in volunteer recruitment on a major scale. A strong, positive effort by the project to recruit individual members of the bar will almost certainly be required.

If the sponsoring bar is a state one, there are probably one or several local bar associations within the geographical scope of the project.



ect which would be likely sources of volunteers. Similarly, projects sponsored by a local bar association may find possible recruits in neighboring bar associations, or in local members of the state bar association. Specialized bar groups, including minority or women bar associations, also may be sources of volunteers.

Before approaching a particular bar association for recruitment purposes, recruiters may wish to determine the committee structure, the past and present activities and concerns of the association, etc., to decide how best to proceed. If the ADVoCATE recruiter knows the President of the association, it might be most effective to "go to the top" in requesting entry. If not, it might be advisable to work through the committee structure, i.e., to contact the chairperson of the committee whose concerns most nearly would seem to encompass the project's (e.g., criminal justice committee). In some areas, the bar may already sponsor a legal services or correctional program; the project director(s) may be able to assist with recruitment advice or to identify potential volunteers.

**Law firms.** Law firms—especially middle to large sized ones—are an excellent source of volunteers for ADVoCATE projects. While a number of attorneys in the firm might belong to the state or local bar association supporting the project, a number may not. Of those who do belong, many may be inactive, and hence, not be aware of ADVoCATE recruitment efforts through the bar.

The best entry to a law firm is through a senior partner who is himself or herself interested in the project. Barring this, another attorney in the firm who is interested in the project might approach one of the senior partners. If the project knows of no attorney in the firm with an active interest in ADVoCATE, the sponsoring bar association or the recruiter might contact the administrator of the firm.

**Corporations and government general counsel offices.** As in the case of law firms, general counsel offices of large corporations and government agencies are sources of volunteers

who might be missed in limiting recruiting efforts to bar associations. Again, the optimum—though certainly not the only—method of entry is through a senior member of the legal division.

**Retired attorneys.** The advantages of volunteers who have retired from practice are obvious. Such persons generally have years of experience behind them, and are often leading citizens with contacts in various segments of the community, e.g., government, private enterprise. Moreover, most not only have more time than the non-retired attorney to devote to the ADVoCATE project, they also have considerably more flexibility in their availability. These bar members might be identified through the help of the bar staff, publicity announcements through referrals from senior bar members in a person-to-person chain process, or through organized groups such as the local chapter of the National Association of Retired Persons.

**Related Activities.** Attorneys are often members of general volunteer groups to which they contribute. Such groups would appear to be excellent sources of identifying potential bar volunteers for an ADVoCATE project.

### Approaches

While one-to-one recruitment efforts are most effective and should be a regular activity of ADVoCATE staff and volunteers, occasional larger scale efforts have the obvious advantage of providing contact with far more potential volunteers than would be possible on a strictly individual basis. The "trick" is to develop a group strategy which appeals to the individual or to combine both approaches in a sequential manner. This can be done through formal and informal meetings, mail campaigns, and telephoning.

**Meetings.** Meetings with groups such as those mentioned above can be very effective. If well-executed, they might provide the "bandwagon" stimulation necessary to recruit some attorneys who would be hesitant to volunteer without reinforcement of their peers.

Meetings can be either formal or informal. They may tie in with a group's more general meeting, or be devoted entirely to the ADVoCATE project. The most appropriate type of meeting is best determined through project consultation with the leadership of the group in question. The best way to address a large group might be by having an item devoted to the ADVoCATE project included on the formal agenda of an already-scheduled meeting. Smaller groups might more effectively be reached through informal get-togethers, such as lunches, convened for the sole purpose of discussing ADVoCATE. In any event, here are several suggestions for the recruiter to keep in mind:

(1) Make the meeting as convenient as possible for the potential volunteers. **Go to them; don't ask them to come to you**—they probably won't.

(2) Have some sort of hand-out material available to provide general information on the project. Having a concise outline of the project is not only helpful to the potential volunteer but also impresses him or her with the organization of the project.

(3) Following a formal or informal explanation of the goals, methods, and requirements of the project, allow questions from the group. It might be helpful to have a current attorney volunteer present to help answer these questions. In the early stages of the project, ranking correctional officials such as the chief probation officer may help to show attorneys the importance of the project. Consideration could also be given to having an ex-offender available to explain the project from the client's point of view.

(4) Following questions from the group, the recruiter should be available to answer individual questions, and to sign up interested persons. It is important to try to get volunteers to sign up immediately. Chances are, if individuals beg off to "think about it," they will only think about reasons they should **not** volunteer. On the other hand, persons who feel they are being railroaded into volunteering are likely to react negatively. To avoid this, the recruiter

might suggest to interested but hesitant persons that he or she will call them in several days after they have had an opportunity to consider the matter more fully. In this way, the recruiter keeps the responsibility for the initiative in his or her own hands. Be sure to follow up.

(5) Within several days following the meeting, send confirmation of their volunteer status to each of the volunteers, and provide the necessary information for the next step, such as attending training or a visit from the attorney coordinator.

**Mail Campaigns.** Though not as individualized and therefore not generally as successful as one-to-one recruitment or recruitment meetings, campaigns by mail can be directed toward an audience larger than that which can be reached through other methods. The quality of the communication is of utmost importance. It need not be "fancy," but it should be attention-getting. It should include a description of the project—its goals, methods and requirements. Expectations of volunteers should be spelled out as clearly as possible. A flier with an application form or a self-addressed envelope is advisable. The recruiter's name and telephone number should be indicated, for use by those potential volunteers who would like further information before signing up.

**Telephone.** Telephone calls by ADVoCATE staff or current bar volunteers may result in a number of new volunteers. This one-to-one approach can be used by itself, or to supplement other efforts. Major drawbacks, of course, are the time factor involved with each telephone call and the number of volunteers required to undertake the calling. Where practical, it is advisable to assign callers from among the volunteer pool or persons able to assist the project to contact persons with whom they are already acquainted; this, of course, makes the contact more personal. Conversations with individuals who express an interest in the program **must** be followed up immediately with letters to provide further information or to confirm the attorney's willingness to volunteer. In many cases, it would be most effective to follow

the phone call with a one-to-one meeting to "sell" the program.

\* \* \* \*

Even efforts which produce no immediate results may be fruitful. An attorney may have present commitments postponing volunteering, but may be willing to consider helping the project in the future. If this appears to be a possibility, ask for a specific date at which to call back.

Nonvolunteering attorneys may also be leads to other potential volunteers. They may even be willing to serve as volunteer recruiters or merely to provide an introduction to another source of potential volunteers such as the senior partner in a large law firm. Ask.

### **Selling the Project**

Whatever approach is taken to recruit new ADVoCATE volunteers, the attorneys must be convinced that the project will be worth their time and effort. To make this determination, they will want to know what is expected of a volunteer and what's "in it" for the volunteer.

Time is expected of ADVOCATE volunteers. Generally, the amount of time and when it can be donated can be worked out in accordance with the attorney's wishes and schedule. While any time an attorney is willing to contribute would be helpful, attorneys should be encouraged to make a definite commitment, and not just indicate that the project can "try" them from time to time. Obviously, a project would be expected to make schedule changes or assignment changes where necessary to accommodate a volunteer's personal or professional needs, but to function efficiently it needs to have a general idea of its attorney resources at all time.

An attorney's commitment may be in terms of the number of cases which he or she will accept or in terms of the amount of time he or she is willing to give to the project. Both approaches have advantages and disadvantages. From the project's point of view, it is generally preferable for the volunteers to indicate the

number of cases they are willing to handle in a given period of time. This approach facilitates referral of cases since it is easier for the project staff to keep track of the number of cases an attorney has been assigned than it is to keep track of the number of hours that particular attorney has already donated. Moreover, this approach enables the project at all time to have a good idea of the number of new cases it can accept. One major disadvantage of the "case" approach is that it promotes disparities in the actual time that volunteer attorneys will spend on project referrals.

From the volunteer's point of view, the case approach is generally too "open-ended" since it is impossible to estimate in advance how much time the specified number of agreed-upon cases will take. Even one complicated case could take substantially more time than the volunteer had intended to devote. Volunteers may not have thought about this possibility; the recruiter should, however, bring it to their attention. While the project can ameliorate this situation by promising to seek or help the volunteer seek additional volunteer resources, should the particular caseload become overly complicated and drawn out, it is generally more realistic for volunteers to indicate an hourly contribution.

Whichever of the above approaches (or combination of approaches) is taken, the attorney's commitment should be put in the form of an informal "contract" so that both the project staff and the volunteer know exactly what is expected of them.

The attorney commitment may also be made in terms of specific tasks other than handling cases. For example, an attorney may volunteer to act as intake/screener or to perform counseling duties rather than to accept cases involving court representation. Where a "gripe night" format is used, such options are relatively easy to integrate into the total recruitment program.

Attorney volunteers are also expected to be willing to handle cases in areas of the law in which they have little present expertise, but which require extensive research. Where spe-

cial expertise is required, the project will work with the assigned attorney to obtain back-up support from attorney specialists who are recruited for that purpose (i.e., bankruptcy). Referrals in some instances may be appropriate, but in general it is expected that the attorney will take the responsibility for clients assigned to him or her. Preferences as to type of case may be indicated to the appropriate project staff who will take them into account in assigning cases; however, it should be realized that sometimes an attorney may be requested to take on cases not in his or her preferred category.

And, finally, attorney volunteers are expected to take a real interest in their clients' problems, pursue all reasonable avenues of possible relief, and follow each case through to completion.

While potential volunteers may look for different types of gratification for participation in a program such as ADVoCATE, all would—and should—expect something in return for their services; it is up to the recruiter to outline such benefits of the program. Some potential volunteers will be most interested in how the project will benefit the offenders it serves; some in how it will benefit the community; and some in how it will benefit the individual volunteer. Most will be interested to a greater or lesser degree in all three.

Documentation of the clients' need for the project is generally not difficult to gather together. Presumably, much of this groundwork had been laid prior to bar endorsement of the project. If additional information is required, judges, corrections officials, probation and parole officers, and employment service personnel may testify to the project's utility.

Lawyers as a group pride themselves on the profession's public service activities. Project ADVoCATE provides individual attorneys a practical and unique opportunity to participate in that service. Volunteers not only assist a segment of the community generally ignored,

but contribute in a very real way to the protection of society as a whole through efforts to reduce crimes by reducing the pressures from legal problems which might result in offenders' committing new crimes.

Finally, the individual advantages of participating in an ADVoCATE project are considerable. The experience itself is personally rewarding as well as professionally broadening. In some projects, fee-producing cases which come to the attention of the program may be referred to the volunteers.\* Friends and relatives of offenders assisted by a volunteer attorney as well as the offender himself or herself may be future paying clients of the attorney. In jurisdictions with mandatory continuing legal education, program participation might be considered as fulfilling at least part of the requirement. For lawyers interested in elective office, participation in a program such as ADVoCATE can result in considerable votes from a public concerned with crime. Indeed, such "extracurricular" activities make an impressive addition to any attorney's resume.

#### **Information For and About Volunteers**

**Information Sheet for Volunteers.** A one-to-two-page form document containing directions and information on specific aspects of participation in the project would be most helpful to the volunteers. Presumably, this would be given to each new volunteer at the time he or she agrees to participate. If the form requires updating from time to time, it would be expected that the revised form would be sent to each active volunteer.

The following are several suggestions of items to be included:

- (1) Name, address and telephone numbers of principal project staff and volunteers, e.g., project director, recruiter, screener, intake officer.
- (2) Information on reimbursable expenses. If reimbursement is available for any expenses connected with the volunteers' service to the project, these should be specified (e.g., travel, mile-

\* Analogies to lawyer referral services seem relevant here. Projects considering this program option should discuss this with the local lawyer referral service or bar association ethic-panel.

age, gasoline, telephone, xerox, postage, stationery, equipment rental). Directions for submitting requests for reimbursement should be included. If no reimbursement is available, this should be noted.

- (3) Directions for submitting the form on disposition of cases. A copy of the form might accompany the information sheet.
- (4) Information on professional liability insurance for project volunteers.
- (5) Staff availability and procedures for contacting staff outside business hours should there be an emergency need.

#### **Volunteer Fact Sheet**

As soon as an attorney indicates a willingness to volunteer his or her services, a fact sheet on the individual should be begun by the recruiter or other ADVoCATE staff member. Additional information will be added to this sheet as the attorney is requested to take on specific assignments.

Preliminary information should include the following:

Name:

Home Address:                      Telephone:

Work Address:                      Telephone:

Type of volunteer activity requested:

Legal representation (include type of case preferred)

Legal counselling

Volunteer recruitment

Client intake

Client screening

Backup specialist to other lawyer volunteers

Availability:

Maximum number of hours per month:

Preferred day and time of day for service (if applicable):

Follow-up information will, of course, depend on the nature of the individual volunteer's project participation. Since the primary purpose of the fact sheet is to enable the project staff to ascertain readily an individual attorney's availability for further assignments, whatever information would be helpful in this respect should be included. In the case of legal representation or legal counselling, for example, information such as the following would be appropriate.

Date attorney requested to take on assignment:

Complainant:

Nature of case:

Case accepted (or rejected) by attorney: (if rejected, give reason)

Date attorney began work on case:

Number of hours spent on case:

Date of case disposition:

While it is not necessary to include with the fact sheet detailed information on each of the cases an attorney handles, appropriate cross-references to client case files should be made.

Information on a volunteer recruiter would probably enumerate specific efforts undertaken (e.g., meetings, mailings); hours involved; number of potential volunteers reached; and, if possible, results.

Useful information on volunteers in client intake and client screening would include hours worked and potential clients processed.

### Client Intake

Intake is the process of gathering information about potential clients and about their (real or perceived) civil legal complaints to form a basis for appropriate action. While intake activities are essentially the same for every project, intake personnel will vary according to the individual project's structure and relationship with cooperating agencies. For example, some projects working with lay (i.e., non-attorney) volunteers may have these volunteers serve as intake personnel; others may have the volunteers refer potential clients to project staff for this initial processing. Probation and parole officers may also be responsible directly or indirectly for client intake. Alternatively, offenders may "refer themselves" to an intake officer (volunteer or staff) by appearing in person at the ADVoCATE headquarters, or by attending a formal, planned "gripe night" session at which an intake officer is present.

Intake activities consist primarily of properly identifying the potential client and obtaining particulars about the complaint(s). Comprehensive records on each of these activities must be maintained for each person seeking ADVoCATE assistance. The intake records will begin a permanent file for the potential client which will be added to by others subsequently involved with his or her case and which will eventually contain information on every stage of the person's involvement with ADVoCATE, from intake through final disposition.

The form on which the information is collected should, of course, contain the name and position of the intake officer completing the form. If the intake officer is not a project staff person, a contact telephone number or address should also be included. The date the form is completed and the date of referral are essential, as is the name of the screener or other person to whom the potential client is referred by the intake officer.

**Identification information** should include all of the following:

- Name, address and telephone number of the offender

- Identifying numbers (e.g., social security number; criminal justice identifier, etc.)
- Supervising case worker, if any
- Pretrial or correctional status, including expected release date
- Family contact (e.g., parent, spouse)
- Employment status, including name, address and telephone number of employer
- Drug or alcohol treatment status
- Race
- Sex
- Age
- Assistance sought for self or for other(s), (e.g., family member)
- Offender seeking assistance as plaintiff or as defendant

In addition to a general summary (per client's words or perceptions), **complaint particulars** should include specific information on any and all of the following which are relevant:

- Employment related
  - Discrimination
  - Wage claim
  - Workman's compensation
  - Insurance for injury on job
  - Adverse action (government)
  - Adverse action (union grievance)
  - Unemployment insurance
    - Eligibility
    - Amount
  - Character reference
  - Other .....
- Family law
  - Divorce (plaintiff)
  - Divorce (defendant)
  - Separation (plaintiff)
  - Separation (defendant)
  - Protective order against spouse
  - Child custody
  - Adoption
  - Nonsupport
  - Other .....

**Financial**

- Debts, bankruptcy
- Wills
- Loan shark
- Other .....

**Consumer**

- Fraud
- Warranties
- Auto repair
- Auto sales
- Repossession
- Other .....

**Housing**

- Eviction
- Abatement
- Unfit conditions
- Price control
- Rent strike
- Other .....

**Tort**

- Assault
- Negligence
- Libel, slander
- Other .....

**Governmental benefits/licenses**

- License (employment)
- Driver's license
- Food stamps
- AFDC (Assistance To Families with Dependent Children)
- Veteran benefits
- Educational benefits
- Other .....

**Misc.:**

- Mental commitment
- Denial of insurance benefits
- Insurance cancelled/denied
- Utilities
- Credit denial
- Other .....

All persons and witnesses involved in the case should be listed, along with their position, address, telephone number, and relationship to the case.

Finally, an indication should be made of the relief sought by the offender. Where the of-

fender seeks to be plaintiff, the name, address, telephone and employment (if applicable) of the defendant should be included. If the defendant is in an institution such as a corporation or government body (other than for 1983 actions), information as to the exact office involved and the relevant employees is needed.

Following completion of the form, the intake officer may wish to give it to the offender to review, or to quickly run through the various items with him or her to ensure their accuracy from the point of view of the potential client. Also at this stage, the intake officer should explain that the form will be passed along to a screener who will make a judgment as to the seriousness of the complaint and the most effective way of handling it. The offender should be told that whoever is asked to follow through on the complaint will seek to verify the facts of the allegations, and that "progress reports" may be given to the offender's probation or parole officer on the developments of the case, where that person made the referral to the project and so requests.

Finally, the offender should be told to re-contact the intake officer if he or she has not heard from the project within a certain specified period of time (e.g., a week).

**Client Screening**

Screening is the process by which it is decided which clients are actually to receive ADVoGATE services and the sorts of services they are to receive. Screening procedures and personnel vary from project to project. Below are several alternatives:

(A) When the referral is from an agency which has staff volunteers who can interact with clients, these personnel can act as screeners. For example, if a project accepts referrals from a halfway house clientele, the halfway house staff can interview potential clients, either formally through special interview session for this purpose, or as part of their regular duties of responding to general client requests for help. The screener will: (1) determine the existence of a client-perceived legal problem,

(2) identify other problems as having civil legal elements, and (3) obtain the factual basis ("who, what, when, where, and how") of the problem. The screener may also use a legal problem checklist to see if the offenders have other problems which they may not recognize as legal, or are reluctant to bring up for fear that too many complaints may forestall their receiving any help at all.

The staff of such agencies may also, in some instances, check the correctness of the facts described. See the section below on paralegal advocacy for a discussion of this.

(B) When the referral agency has no staff who can act as screeners, or the staff does not want to act as screeners, the project can have its own attorney and/or non-attorney staff perform this duty. The advantage of this approach is that it enables a project to better control the screening process through its own management than might occur through use of "borrowed" staff. The disadvantages are the higher cost to the project, and the increased likelihood that many legal problems will be missed by the project. This is because potential clients may not perceive their problems as having legal dimensions, and hence, be less likely to ask for legal aid from the project. Where program staff act as screeners, they may be trained to identify general complaints as having a legal issue. For example, a probationer who faces eviction, may ask the probation officer to help find him/her a new place to stay. Since there may be a legal defense to the eviction proceeding, the probation officer could refer the case to ADVoCATE. It is likely that this problem would be brought to the screener's attention where the screener has only project ADVoCATE responsibilities. The use of a legal checklist by the screener may however, reduce this problem—at least with respect to those offenders who "got their foot in the door" by perceiving (rightly or wrongly) some of their problems as legal.

Where a problem has been identified (or validated), the screener of the project will then contact the project's attorney coordinator to obtain legal assistance for the client.

(C) An alternative to having "staff" interview clients, is to have attorneys or law students visit potential clients.

(i) Law students are specially desirable with programs serving jail or prison inmates since it may be difficult for bar volunteers to arrange their schedules to screen clients in jail settings.

(ii) Parolees and probationers might be interviewed by attorneys and/or law students in a "gripe" session structure, wherein potential program clients are informed ahead of time that interviews will be conducted at a set time and place to identify legal and other problems, and to make appropriate referrals.

The time will generally be a night or weekends, to avoid interfering with the employment responsibilities of either the attorneys or the clients. The session may be held at a law office, at the probation/parole office, at the courthouse, or any other convenient location.

The structure of a gripe session is for individual clients to be interviewed as to any problems they might wish to discuss. Criminal justice agency or social work staff should be present to lend whatever assistance they can provide for those client problems which are nonlegal, require referral to another service agency, or can be handled by the criminal justice agency staff.

The availability of attorneys at the gripe session can contribute to program effectiveness. Many cases can be handled at this point by the attorneys, through their explaining that no legal aid is possible (e.g., no legal problem, statute of limitations, etc.), advising self-help strategies as a prelude to further attorney's involvement, or through providing simple legal counselling.

Where further attorney involvement is needed, the screening attorney may continue to handle the case him- or herself (with law students, where available), or may refer it to the attorney coordinator for matching the client to another attorney. This will occur when the screening attorney has volunteered for only legal counsel-

ling duties (but not case representation), or he/she feels that another attorney's expertise is needed (e.g., bankruptcy).

If attorneys/counsellors are not available at the gripe session, then the screening personnel will refer the case to the attorney coordinator (also present) for his/her action.

**Client Screening: Income Eligibility.** The major concerns at intake are for client eligibility relating to income and for actual need of legal services.

Within the class of offenders to be served by a Project ADVoCATE program, decisions must be made as to whether an individual offender is eligible to receive services and the extent of services to be provided. For example, if a project arranges to accept referrals from a specific halfway house, not all of the house's residents may be thought suitable for help. One common eligibility factor among legal aid programs is the individual's ability to pay private legal counsel. Project volunteers who provide pro bono services should not compete with the private bar. A second concern is that the project intake should not accept more cases than the bar volunteers can handle, and income eligibility rules can be used to also serve this purpose.

One preliminary factor affecting this decision is the extent to which lawyer volunteers are available for different tasks. If volunteers are being used in capacities other than for direct representation, then more flexible standards of assistance eligibility can be used for these latter tasks than apply to case representation referrals. For example, lawyers providing backup assistance to paralegal advocates (such as a lay volunteer or a trained probation officer) might accept the eligibility criteria used by the paralegal advocate's agency or a special eligibility rule for these cases of the project.

More stringent rules, however, are necessary for persons receiving traditional legal aid in-

volving case representation, document preparation (e.g., wills), and court filings. The relevant means test is whether the individual is expected to find an attorney to represent him/her through fee payment, reduced fee arrangement or contingent fee. Where the lawyer referral service has a tiered referral structure, providing for these alternatives, cooperative arrangements with the service may simplify the screening process.\*

One caveat, however, is that the local lawyer referral service may not be able or willing to accept cross-referrals from ADVoCATE. Where this occurs, the project may develop its own list of volunteer attorneys who are willing to accept ADVoCATE referrals on a flat, reduced or contingent fee basis.\*\* In either case, care must be taken to monitor for abuses against ADVoCATE clients, such as violations of the prohibition against charging clients any fee without the knowledge and approval of the project director or the volunteer chairman. Preliminary screening by the project referral staff will identify most cases where a fee for services would be permissible. Should the volunteer attorney disagree with the screening decision that a client is eligible for pro bono aid, he or she should notify the project director, who will make a final decision.

Where a project does not wish to be involved with a tiered referral structure or none exists, it will serve only those clients unable to pay for an attorney's services. One simple method for setting income eligibility standards is to adopt the standard of the local legal services agency. However, this may be an unrealistic standard if the eligibility of the legal services agency is set at a level intended primarily to control client intake rather than prevent competition with the private bar. The test of the standard is whether a client is likely to be able to obtain private counsel in the instant case.

Income eligibility measures should therefore consider a number of factors as a supplement to the factor of the client's gross income. For example, the eligibility standard should take into account the size of the family (number of dependents) or special expenses such as out-

\* ADVoCATE projects will recruit bar volunteers to accept referrals of offenders; the lawyer referral service will work with the project coordinator in matching clients to attorneys.

\*\* See, Project Guidelines for "The Volunteer Agreement" for a fuller discussion of the issue of whether volunteers may accept fees for services to clients.

standing loans or unusually large medical costs that reduce the individual's disposable income over necessities. Conversely, the standard might also inquire as to the clients available assets which could be disposed of without seriously damaging the individual's position.

For some project services, there need not be any income determinations at all. This will depend solely on the availability and willingness of the bar volunteers to provide preliminary services such as simple counselling at the point of initial screening. The reason for this is that providing simple counselling to offenders as an adjunct of screening is not likely in the real world to divert offenders from other lawyers (offenders as a class not being likely to seek legal help, either because of ignorance of the legal nature of their problem or for antipathy of lawyers). Furthermore, failure by the project to provide simple legal counselling could be destructive of the project's reputation and credibility as a legal outreach program.

Decisions on client income eligibility should generally be made by the project coordinator, who will make the match between client and volunteer. Screeners and paralegal advocates should not be expected to make eligibility determinations, unless the person seeking help is clearly unlikely to be eligible even for a reduced fee charge. Even then, the project coordinator should be asked to confirm the initial screening decision. If volunteer lawyers are used as interviewers and counsellors (prior to case representation) in a "gripe night" session, the individual lawyers may have their own biases regarding income eligibility. In the main, they should be asked to follow the same rules regarding screener eligibility decision making, and exclude only those clearly exceeding even a reduced fee charge guideline.

**Substantive Legal Issues.** Offenders, like other citizens, have problems and often welcome the opportunity to vent their grievances. However, not all problems are legal, nor are all legal problems within ADVoCATE purview.

For a case to be accepted by ADVoCATE, it must be a civil law problem. Certain quasi-

criminal actions, such as habeas corpus or lawsuits against the police or correctional agency, are excluded from ADVoCATE as not being germane to the rehabilitative concerns of the project. Alternative counsel are also often available for these cases.

The section discussing intake lists most of the typical civil legal problems faced by offenders. Where fact situations are described by the offender fitting one of these categories, the screener will ordinarily presume that a substantive legal issue has been raised that will require legal counselling, if not representation. The case file should then be sent to the attorney coordinators for review and appropriate action. The offender should be told, at that time, what the project's procedures are and how long it will be before an attorney will be assigned to his/her case, and what other interim actions might be taken, such as paralegal advocacy. Agreement should be made as how recontact will be accomplished, especially the date, time and method of contact and at whose initiative (the project's or the offender). This procedure of ensuring that contact is maintained should also be followed in deferred screening decisions, described next. No contact between the project and an offender during screening should terminate without a contact-maintenance schedule being arranged.

Where the facts as described do not fit the civil legal categories, the offender should be told that no screening decision has been made to accept the case. The attorney coordinator will then review the file. The coordinator may ask for further information or may be able to decide whether the case may be accepted or not. Ordinarily, the screener will be responsible for obtaining additional information or reporting to the offender the screening decision. Where the attorney coordinator and the offender can quickly and easily meet (i.e., gripe night session), this alternative may be preferred.

At each decision point, the case file should indicate the date of action, the nature of the action (accept, reject, defer), the reason for the action and the reaction of the offender.

Where referral to another legal aid/lawyer referral program, or to a social service agency is made in lieu of, or as a supplement to, program acceptance, this information should also be recorded. The screener should also check with the agency to which the offender was referred, whether the offender did appear, and whether the services requested were given. If the offender did not follow through, the screener should attempt to determine why this occurred. If the requested services were not given, the reasons why should be determined—eligibility factors should be flagged to the attention of the project director so that a check can be made of the ADVoCATE project's listing of eligibility criteria for the agency in question. The offender should also be recontacted for a more appropriate referral or to offer help in gaining the requested services, should their denial be unwarranted.

#### **Priority of Case Assignment**

The project's ability to keep up with the demands for its services is of course contingent on several factors, including number of requests for assistance, the complexity of those requests, and the volunteer resources at its disposal. Since such factors are constantly changing, it is only realistic for even the most successful project to assume that at times the demands will exceed its ability to handle all cases immediately. In anticipation of such periods, the project should develop policy guidelines for priorities in assigning various types of cases.

In general, top priority should be given to those cases requiring an immediate response (e.g., eviction cases) or those of major consequences to the offender (e.g., wage claim cases). A list of case types which an ADVoCATE project is likely to encounter can be found on p. 11 of the section of this manual on Client Intake. The project staff might use this as a starting point of assigning priorities. For example, case types could be designated "high priority," "priority," or "low priority."

While the guidelines should be as specific as possible to facilitate decision-making in routine cases, their application must be sufficiently flex-

ible to allow consideration of special circumstances where warranted.

#### **Paralegal Advocacy**

Several sources of paralegal aid may be available: project's own staff, criminal justice staff or a project cosponsor's volunteers or staff where the volunteer attorneys assist nonproject volunteers or staff (e.g., probation officers) to perform paralegal tasks. These paralegals are provided with both an orientation to the program and paralegal advisory materials, if available.

When they see that a problem exists where paralegal advocacy might be helpful (such as in dealing with government benefits, or where the client is being "victimized" because of his/her offender status), he or she will contact the attorney coordinator who then makes a referral. The attorney will review the facts of the problem, and recommend to the paralegal what additional fact verifications are needed, and how to best present the advocacy points. Should the paralegal advocacy fail, the attorney will then take over the case in a representational capacity, working with the paralegal to the extent needed.

Paralegal advocacy is often useful in cases involving governmental benefits, or private sector poverty law issues such as consumer/warranty problems, landlord-tenant controversies and employment related problems.

Some general principles to follow are:

- always be polite
- introduce yourself as a representative of the bar association Project ADVoCATE
- be sure that you know what the allegations of the client are,
- never threaten. If advocacy fails, merely inform the person with whom you are dealing that an attorney from the project will be calling to verify your report. The possibility of litigation may be inferred by the other individual, but

should not be explicitly expressed by the advocate.

### **Client Referral**

**Attorney Coordinator.** Responsibilities of the attorney coordinator are:

- (1) Review the work of project intake.
- (2) Maintain list of attorney by type of cases willing to accept and other relevant data.
- (3) Assign accepted cases to attorneys.
- (4) Maintain client record files.
- (5) Maintain attorney case files.
- (6) Follow up referrals.
- (7) Maintain list of alternative referral contacts for legal and non-legal services.

**Review Intake.** Project screeners are only responsible for preliminary decisions regarding client income eligibility and need for legal assistance. They flag for the coordinator's attention those cases where further examination is needed.

**Income Eligibility Decisionmaking.** Income eligibility decisionmaking is predicated upon the view that offenders are often eligible for free legal services. The appropriate test is whether the case is likely to be fee-producing and accepted by a nonvolunteer attorney in the normal conduct of business.

To help the attorney coordinator make final determinations, a project should provide for telephone consultative assistance. This might include help from the bar's lawyer referral service, the local legal services agency, or through a project advisory board for this issue.

In cases where no clear cut decision exists, the client should be presumed income eligible.

**Maintain List.** The coordinator should keep a list of participating volunteers which describes for each volunteer the type of assistance promised, the types of cases that will be accepted, the caseload, the existing caseload and the status of each case, including projected time requirements.

The list will be divided into general legal aid and specialized legal aid.

**Assign Cases.** For clients with general legal problems, the attorney to which the client is referred is selected through rotation. That is, the next attorney on the list who has an unfilled commitment to the project is selected. The same procedure is used for client with specialized legal needs, using that list of attorneys.

No referral should be made without first contacting the volunteer to inform the volunteer of the referral. If contact cannot be made, the coordinator should contact the next volunteer on the list. Should the attorney when contacted be unable for some reason to accept the referral, the coordinator should move on to the next attorney on the list. At the same time, specific arrangements should be made for later referrals of clients to the attorney temporarily unavailable.

**Maintain Client Records.** Record files should be maintained for every individual seeking help from the project, regardless of whether accepted or not.

- If the client is not accepted, the record should show the nature of the request, how they came to the project and the reason for nonservice. The names of persons making adverse screening decisions should be included in the record, as well as the names of any persons providing consultative advice in screening and the nature of the advice.
- If the client is accepted, the record should show the date of project entry.

**Maintain Attorney Case Files.** When a client is referred to an attorney volunteer, a record of that referral should be placed in the attorney files kept which are used in making referrals (above). This can be nothing more than a copy of the client record, if that is easiest, or a separate entry in the attorney record files.

**Follow-Up.** Either the client or the attorney record files can be used as the basis for follow-

ups of client referrals. A "reminder" should be set for each referral for the staff to check with the attorney to make sure that the referral was completed and to determine case progress. A follow-up schedule would be:

- two days after referral for contact confirmation
- one month periodic review

The follow-up contact can be made of either or both the attorney and the client so as to allow determinations of progress and client satisfaction. Should either be lacking, the coordinator should discuss any problems with the project director and advisory board. In appropriate cases, the coordinator may thereupon discuss these problems with the attorney and the client or even reassign the case to another attorney. This should be done tactfully through suggesting to the attorney that he/she propose the transfer, wherever possible.

**Maintain List of Legal and Non-Legal Service Procedures.** Clients may need non-legal services in lieu of or as a supplement to civil legal aid. Other clients may need civil legal aid but not be income eligible. In a few cases, alternative legal service providers have great expertise to deal with a client's problem and are willing to accept project referrals.

Projects should be prepared to refer persons seeking help to

- lawyer referral mechanisms
- public defender offices
- specialized civil legal services, such as those for the elderly or Title VII litigation
- non-legal service providers for such problems as alcoholism, mental health, employment assistance, etc.

Lists can be prepared by utilization of existing program directories of other groups. Most legal service offices have lists of other legal aid and non-legal service providers. Other agencies with service lists may be the probation/parole offices, private correctional service

agencies, or the Community Chest. The local welfare agency may also be able to help.

**Form on Disposition of Cases.** Volunteers providing legal representation or legal counseling should complete a separate form for each case which they have been assigned. Following disposition of the case, this should be promptly returned to the staff office.

The form (prepared and distributed by the project staff) should request the following information:

- (1) Volunteer's name and address;
- (2) Client's name and address;
- (3) Brief summary of the complaint;
- (4) Actions taken by the volunteer on behalf of the client;
- (5) Disposition of the case (if the volunteer has completed his or her participation in the case by referring it to a third party, such referral would, for purposes of this form, constitute "disposition;")
- (6) Time spent by the volunteer on the case. (This information will be transferred by the project staff to the Volunteer Fact Sheet.)

### **Project Management**

Project management concerns are for the project to have explicit policies regarding its operations, not ad hoc decisionmaking in a crisis environment.

Two areas of general concern are (1) staff employment and responsibilities and (2) policies regarding work rules, purchasing of supplies, reimbursement of staff or volunteer expenses and telephone use.

**Employment Practices.** Certain employment policies and practices should be developed. Among these:

### **Equal Opportunity**

The project should want to adopt a policy to recruit, employ, develop and promote all staff

without regard to race, color, religion, sex, age, national origin or handicap.

### **Filling Vacant Positions**

When a new position is created or a vacancy occurs, notice should be circulated among the current project staff, and qualified candidates encouraged to apply. If no qualified project employees wish to be considered for the position in question, the opening should be advertised with the local office of Employment Services. Only if attempts at securing qualified individuals through the existing project staff or through the Employment Services fail should the project look to other outside sources of staff.

In advertising a position, the project should outline as specifically as possible responsibilities, duties, qualifications and compensation. These will, of course, differ from position to position, and among different ADVoCATE projects within the positions themselves. For example:

(1) **Project Director.** The person who holds this position must possess good management skills. These include organization, knowledge of fiscal and personnel management, and ability to work effectively with both staff and volunteers. If the project director is expected to attract financing for the project, grant preparation and related skills will be required. In some projects, the director may assume other responsibilities for which paid staff is not available, e.g., those of a recruiter or attorney coordinator; where this is the case, he or she will have to possess the qualifications required for those positions as well as for the position of project director. Individual projects should decide whether or not the person to hold this position should be an attorney. This is not always necessary, though there are some advantages, e.g., handling emergency cases when volunteers are not readily available. (It is likely that the project could attract a young lawyer at a salary no greater than that required by an otherwise qualified non-lawyer; however, a non-attorney with good management skills should be preferred over an attorney without such skills.)

(2) **Director of Recruitment.** A knowledge of and familiarity with sources of possible volunteers are required for this position, as is good salesmanship. Speaking skills are extremely important. The incumbent should be able to put together printed materials (e.g., brochures, application forms) to be used in recruitment campaigns. An ability to organize and work with volunteer recruiters is also important, especially in those cases where the position of Director of Recruitment is part-time (or volunteer).

(3) **Intake Officer.** In many instances, this position will be held by one or several volunteers. However, the format of some projects may require a staff person to assume intake responsibilities. In either case, the intake officer must be able to relate well to persons seeking assistance, to develop and maintain records, and to synthesize the potential clients' complaints and relief being sought. Unless the intake officer would be expected to perform legal tasks, it would not be necessary for the persons holding this position to be an attorney.

(4)  **Screener.** Again, this position might be held by either a staff person or a volunteer, an attorney or a non-attorney. The screener must be able to distinguish between cases requiring legal assistance and those which can be handled through other channels. He or she must have a thorough knowledge of local sources of assistance, and be able to establish good working relationships with them.

(5) **Paralegals.** As mentioned elsewhere, paralegals may assist the project in a variety of ways. They may serve as intake officers, screeners, or verifiers of facts of complaints. They may assist in recruitment efforts. Obviously, the specific requirements will depend on the type of assistance being sought. It is generally assumed that most paralegals may require some on-the-job training.

(6) **Secretarial and clerical staff.** A conscientious and well-organized clerical staff is vital to the smooth functioning of an ADVoCATE project. The project will deal with a number of persons in varying capacities (e.g., clients, staff, volunteers, outside organizations) and the

clerical staff must be able to track the activities of each.

### **Outside Employment**

The project should enunciate the acceptability or unacceptability of outside employment by full-time and part-time employees. Consideration of different policies for different types of employee (e.g., professional and non-professional) might be warranted.

### **Political Activities**

Generally, it would be expected that the project would want to develop a policy of discouraging its employees from purporting to represent the views of the project without its expressed consent. In any case, employees should be advised of their responsibilities and restrictions in this regard.

### **Salary and Promotion Policy**

General procedures for determining salaries and promotions should be outlined. While these may be revised from time to time as conditions warrant, the fact or appearance of an ad hoc system should be avoided. As noted above, current staff should be given first opportunity to apply for new and vacant project positions.

**Office Policies and Procedures.** Every ADVOCATE Project should develop staff office policies and procedures and ensure that each employee and volunteer is advised of them. For example:

#### **Time Sheets**

Each member of the paid staff should maintain a record of days (or, if paid an hourly wage, the hours) worked. Periods not worked should be designated sick leave, vacation, holiday or another appropriate classification. These reports should be submitted to the project staff director on a regular basis (e.g., end of the month).

### **Work Week Policies**

Policies should be set that establish formal working hours for staff, so that volunteers and recruiters can know of staff availability, including opening and closing hours and lunch period. Each project should also develop policies with respect to vacation, holidays and sick leave, including amount allowed each year, extent to which can be accumulated and payment for unused vacation leave upon exit from the project. These should be strictly observed by all project staff.

### **Travel and Other Staff Reimbursement**

Information regarding the project's policies and procedures for staff reimbursement of expenses incurred in connection with the project should include such items as local and long distance automobile and other travel allowances, per diem, business meals, etc.

### **Volunteer Attorney Reimbursement**

Volunteer attorneys should be informed of project policy regarding reimbursement of costs of assisting, counselling or representing clients referred by the project, including photocopying, long distance telephone calls, postage, etc.

### **Office Supplies and Equipment; Printing and Photocopy**

There should be specific policies and practices regarding purchase (or rental), distribution and disposal of and payment for office supplies and equipment. Supplies include such items as stationery, postage, books; equipment such items as typewriters, furniture and files. Printing and photocopy responsibilities and restrictions should also be spelled out clearly.

### **Telephone**

Employees should be given guidelines regarding use of the telephone, especially for long-distance calls and personal calls.

**END**