

LITIGATION MANUAL

LEGAL SERVICES OF NORTH FLORIDA, INC.

Prepared By:

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Director of Litigation
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LITIGATION MANUAL

Priority Setting

Within the types of unrestricted cases that can be handled by LSNF, priorities are established through a priority setting process that involves: (1) recommendations from a group consisting of client members, social service agency employees within the service area and other community organization members, (2) review of those recommendations and additional recommendations of LSNF staff, and (3) final review and approval of all recommendations by the LSNF Board of Directors.

This process is conducted periodically, but the list of priorities is reviewed annually.

Implementation of established priorities is accomplished through community education efforts (T.V. and radio PSA's, representations to community groups, etc.) and through case acceptance procedures.

The current list of priority areas by order of preference is attached.

STATEMENT OF PRIORITIES AND
PROCEDURE FOR ASSESSING FUTURE PRIORITIES

Introduction

The board adopts the recommended priorities of the Legal Services Corporation as follows:

1. Support for families.
2. Preserving the home.
3. Maintaining economic stability.
4. Safety, stability and health.
5. Serving populations with special vulnerabilities.

The board of directors specifically recognizes the case codes as delineated as falling within the priorities listed and instructs the offices to take into consideration as one of the factors for purposes of case acceptance the cases accompanied by asterisks as one of the top three needs specifically identified by a focus group in their respective areas.

TALLAHASSEE:

Support for families:

- 30 Adoption
- * 31 Custody/Visitation
- * 33 Guardianship
- 35 Parental rights termination
- * 38 Child/Spousal support (when representation is not available from the Department of Revenue)
- 42 Neglected/Abused dependent
- 36 Paternity
- 39 Other Family
- 49 Other Juvenile

Preserving the Home:

- 61 Federally subsidized housing
- * a) defending evictions
- 62 Homeownership/Real property
- * a) defending mortgage foreclosures
- 63 Landlord/Tenant (other than public housing)
- * a) defending evictions
- 64 Other Public Housing
- * 65 Consumer Housing (Example: home repair, application for purchases or repairs, etc.)

- 69 Other Housing
- * a) increasing & improving supply of low income housing

Maintaining Economic Stability

- * 01 Bankruptcy/Debtor relief
- * 02 Collection (including repossession/deficiency/garnishment)
- * 03 Contracts/Warranties
- * 04 Credit Access
- * 06 Loans/Installment purchases (other than collection)
- * 08 Unfair sales practice
- 09 Other Consumer
- * 71 WAGES/Other welfare
- 11 Education
- * 74 Social Security
- * 75 SSI
- * 80 Food Stamps
- 91 Incorporation/Dissolution
- 93 License (auto and others)
- 94 Torts
- 95 Wills/Estates
- * 21 Job discrimination
- * 22 Wage claims
- 29 Other Employment
- 72 Black Lung
- * 76 Unemployment Compensation
- 77 Veterans' benefits
- 78 Workers' Compensation
- * 79 Other Income Maintenance
- 89 Other Individual Rights

Safety, Stability and Health

- 07 Public Utilities
- 32 Divorce/Separation/Annulment
- * 37 Spouse Abuse
- * 51 Medicaid
- 33 Guardianship
- * 52 Medicare
- 59 Other Health, including
- * a) access to other medical coverages
- * b) protection of the elderly from exploitation & abuse
- * c) access to proper medical care & facilities
- 81 Immigration/Naturalization (for legal aliens)
- 82 Mental Health
- 84 Physically Disabled Rights
- 85 Wills/Estates

- - - - -

QUINCY:

Support for families:

- 30 Adoption
- * 31 Custody/Visitation
- * 33 Guardianship
- 35 Parental rights termination
- * 38 Child/Spousal support (when representation is not available from the Department of Revenue)
- * 42 Neglected/Abused dependent
- 36 Paternity
- 39 Other Family
- 49 Other Juvenile

Preserving the Home:

- 61 Federally subsidized housing
- * a) defending evictions
- 62 Homeownership/Real property
- * a) defending mortgage foreclosures
- * b) resolving home ownership & real property disputes
- 63 Landlord/Tenant (other than public housing)
- * a) defending evictions
- 64 Other Public Housing
- * 65 Consumer Housing (Example: home repair, application for purchases or repairs, etc.)
- 69 Other Housing
- * a) increasing & improving supply of low income housing

Maintaining Economic Stability

- * 01 Bankruptcy/Debtor relief
- * 02 Collection (including repossession/deficiency/garnishment)
- * 03 Contracts/Warranties
- 04 Credit Access
- * 06 Loans/Installment purchases (other than collection)
- * 08 Unfair sales practice
- * 09 Other Consumer, including transportation issues
- * 71 WAGES/Other welfare
- * 11 Education
- * 74 Social Security
- * 75 SSI
- * 80 Food Stamps
- 91 Incorporation/Dissolution
- 93 License (auto and others)
- 94 Torts
- 95 Wills/Estates

- * 21 Job discrimination
- 22 Wage claims
- 29 Other Employment
- 72 Black Lung
- * 76 Unemployment Compensation
- 77 Veterans' benefits
- 78 Workers' Compensation
- * 79 Other Income Maintenance
- 89 Other Individual Rights

Safety, Stability and Health

- 07 Public Utilities
- 32 Divorce/Separation/Annulment
- * 37 Spouse Abuse
- * 51 Medicaid
- 33 Guardianship
- * 52 Medicare
- 59 Other Health, including
 - * a) access to other medical coverages
 - * b) protection of the elderly from exploitation & abuse
 - * c) access to proper medical care & facilities
- 81 Immigration/Naturalization (for "legal" aliens)
- 82 Mental Health
- 84 Physically Disabled Rights
- 85 Wills/Estates

PANAMA CITY:

Support for families:

- * 30 Adoption
- * 31 Custody/Visitation
- * 33 Guardianship
- 35 Parental rights termination
- * 38 Child/Spousal support (when representation is not available from the Department of Revenue)
- 42 Neglected/Abused dependent
- 36 Paternity
- 39 Other Family
- 49 Other Juvenile

Preserving the Home:

- 61 Federally subsidized housing
 - * a) defending evictions
- 62 Homeownership/Real property

- * a) defending mortgage foreclosures
 - 63 Landlord/Tenant (other than public housing)
- * a) defending evictions
 - 64 Other Public Housing
- * 65 Consumer Housing (Example: home repair, application for purchases or repairs, etc.)
 - 69 Other Housing
- * a) increasing & improving supply of low income housing

Maintaining Economic Stability

- * 01 Bankruptcy/Debtor relief
- * 02 Collection (including repossession/deficiency/garnishment)
- * 03 Contracts/Warranties
 - 04 Credit Access
- * 06 Loans/Installment purchase (other than collection)
- * 08 Unfair sales practice
 - 09 Other Consumer
- * 71 WAGES/Other welfare
 - 11 Education
- * 74 Social Security
- * 75 SSI
- * 80 Food Stamps
- * 91 Incorporation/Dissolution and assisting client based organizations
 - 93 License (auto and others)
 - 94 Torts
 - 95 Wills/Estates
- * 21 Job discrimination
- * 22 Wage claims
 - 29 Other Employment
- 72 Black Lung
- * 76 Unemployment Compensation
 - 77 Veterans' benefits
 - 78 Workers' Compensation
- * 79 Other Income Maintenance
 - 89 Other Individual Rights

Safety, Stability and Health

- 07 Public Utilities
- 32 Divorce/Separation/Annulment
- * 37 Spouse Abuse
- * 51 Medicaid
 - 33 Guardianship
- * a) representation of wards
- * 52 Medicare
- 59 Other Health, including

- * a) access to other medical coverages
- * b) access to proper medical care & facilities
- 81 Immigration/Naturalization (for "legal" aliens)
- 82 Mental Health
- 84 Physically Disabled Rights
- 85 Wills/Estates

FT. WALTON BEACH:

Support for families:

- * 30 Adoption
- * 31 Custody/Visitation
- * 33 Guardianship
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- * 38 Child/Spousal support (when representation is not available from the Department of Revenue)
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- 36 Paternity
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- 49 Other Juvenile

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- * a) increasing & improving supply of low income housing

Maintaining Economic Stability

- * 01 Bankruptcy/Debtor relief
- * 02 Collection (including repossession/deficiency/garnishment)
- * 03 Contracts/Warranties
- * 04 Credit Access
- * 06 Loans/Installment purchase (other than collection)
- 08 Unfair sales practice
- 09 Other Consumer
- * 71 WAGES/Other welfare
- 11 Education

- * 74 Social Security
- * 75 SSI
- 80 Food Stamps
- 91 Incorporation/Dissolution
- 93 License (auto and others)
- 94 Torts
- 95 Wills/Estates
- * 21 Job discrimination
- * 22 Wage claims
- 29 Other Employment
- 72 Black Lung
- * 76 Unemployment Compensation
- 77 Veterans' benefits
- 78 Workers' Compensation
- * 79 Other Income Maintenance
- 89 Other Individual Rights

Safety, Stability and Health

- 07 Public Utilities
- 32 Divorce/Separation/Annulment
- * 37 Spouse Abuse
- * 51 Medicaid
- 33 Guardianship
- * a) representation of indigent wards
- * 52 Medicare
- 59 Other Health, including
 - * a) access to other medical coverages
 - * b) protection of the elderly from exploitation & abuse
 - * c) access to proper medical care & facilities
- 81 Immigration/Naturalization (for "legal" aliens)
- 82 Mental Health
- 84 Physically Disabled Rights
- 85 Wills/Estates

Populations with Special Vulnerabilities

LSNF will continue to provide representation to physically disabled persons regarding their rights (case code 84) as well as other cases affecting them as a population. LSNF will also continue its outreach efforts to senior citizens; the homeless; rural residents; spouse abuse victims; the migrant population; and, when necessary, victims of natural disasters.

In order to provide efficient and effective delivery of legal services, LSNF will continue to provide representation to client organizations; to sponsor pro se clinics; to prepare brochures on substantive legal issues for the benefit of the client community;

to make presentations to the client community on legal topics requested by the community; to provide advice and referral through its staff and through PAI volunteers; and to recruit pro bono volunteers to handle cases, provide advice and referral, assist in pro se clinics, donate funds and engage in other fundraising for the program, sponsor training for other pro bono volunteers and for LSNF staff, make community presentations, co-counsel cases with LSNF staff, provide research, develop brochures, and assist in updating form pleadings. The program will also continue to provide training opportunities for its staff and volunteers, to seek other grants to assist in its mission of providing an opportunity for justice, to develop and update form pleadings and manuals to assist staff in their jobs, and to track substantive law developments on behalf of the client community. LSNF will continue to provide representation to eligible clients in a variety of forums, including but not limited to appellate representation (when approved by the executive director), and legislative and administrative advocacy with non-LSC funds (in situations allowed under current federal law).

As required by federal law, staff attorneys and paralegals shall sign an agreement to abide by LSNF's priorities in a form similar to that appended hereto.

Procedures for Undertaking Emergency Cases or Matters

The above priorities shall serve as the established priorities for the allocation of resources by Legal Services of North Florida until revision by the board due to either a new needs assessment or circumstances that require a revision. Cases outside of those priorities may be undertaken on behalf of eligible applicants or applicant organizations pursuant to Section 1620.4 in the following situations:

- (1) the case or matter presented requires immediate legal action,
- (2) the case or matter involves necessities of life,
- (3) the case or matter involves a significant risk to the health or safety of the applicant or applicant organization or immediate family members of the applicant,
- (4) issues arise because of new or unforeseen circumstances, such as changes in the law affecting LSNF's eligible population,
- (5) a factual scenario is recognized, affecting a large number of applicants, that was not known at the time of establishing priorities and, within the Act and regulations, can be addressed by LSNF to benefit eligible applicants,

- (6) the applicant is unable to negotiate the legal process due to disability or a language or cultural barrier, and significant legal rights or interests would be lost in the absence of representation,
- (7) the applicant's health or safety is at imminent risk,
- (8) statute of limitations or other time limits imposed by procedural requirements will impact the applicant's ability to obtain other legal assistance,
- (9) failure to represent the applicant will place LSNF staff at risk of violating the Code of Professional Responsibility, or
- (10) any other situation exists where the applicant's legal rights and interests will be substantially affected in the absence of representation or legal assistance by LSNF.

Cases falling within the procedure for undertaking emergency cases or matters must be presented to the executive director for approval (or the senior most managing attorney available in the absence of the executive director). The executive director (or senior attorney in her absence) shall take into account the following factors in deciding whether to approve the request:

1. The time period in which action must be taken to protect the applicant's interest,
2. The severity of the consequences to the applicant if no action is taken,
3. The likelihood of success if legal action is taken,
4. The capacity of another source of legal assistance to undertake the applicant's case,
5. The effect the problem presented by the emergency case or matter will have on the client community, and
6. The consequences of diverting resources from existing priority cases or matters.

A copy of the written authorization from the executive director (or her designee in her absence) shall be retained in the client's file and, to the extent the information supporting the emergency is confidential, shall be subject to the attorney-client privilege and not be released without the client's written consent.

Procedures for Establishing and Revising Priorities

The executive director is directed to engage in a needs assessment based on an evaluation of available surveys conducted by other organizations determining needs of the poverty population, census data, and other information relevant to

characteristics and needs of the eligible client population. The director is further directed to include within the program's appraisal information received from potential or current eligible clients and input from LSNF employees, governing body members, the private bar, and other interested persons (including the judiciary, social service agencies serving eligible clients, and other organizations providing services to the client eligible population). If necessary the board shall revise the existing priorities and establish new priorities after considering (1) the suggested priorities promulgated by the Legal Services Corporation, (2) the appraisal conducted as described above, (3) the population of eligible clients in the geographic areas (including all significant segments of the population with special legal problems or special difficulties of access), (4) resources of LSNF, (5) the availability of other sources of free or low-cost legal assistance in particular categories of cases or matters, (6) the availability of other sources of training, support and outreach services, (7) the relative importance of particular legal problems of individual client eligible members of the recipient, (8) susceptibility of particular problems to solution through legal processes, (9) whether legal efforts by LSNF will complement other efforts to solve particular problems in its service area, (10) whether legal efforts will result in efficient and economic delivery of legal services, and (11) whether there is a need to establish different priorities in different parts of LSNF's service area.

Case Intake

An applicant is informed, upon initial contact with the office, that he/she can come to the office and pick up intake forms or have the forms mailed to him/her. If mailing is requested, an applicant is sent a cover letter, an intake form, an intake fact sheet, and a Citizenship Form. An instruction sheet (see attached) describes how to fill out the various forms. Intake for clients seeking assistance from the Hotline (available to residents of Leon, Wakulla, Jefferson, Franklin, Gadsden, Liberty, Calhoun, and Jackson Counties) is performed over the phone.

For residents of outlying counties, an applicant has the option of having intake information sent or scheduling an appointment in an office in the outlying county. A list of counties served by each branch office is attached.

An applicant with an emergency can have his/her case expedited by coming to the office to fill out the necessary forms.

All returned intake forms are given to the receptionist who enters the intake information into the database and gives the information to the (branch) senior attorney for case acceptance.

All case files are required to include signed and completed retainer agreements except for cases involving brief services and advice. All cases except hotline cases must contain a citizen attestation or alien eligibility form. Copies of alien eligibility forms must be provided to the director of litigation. Hotline cases must contain documentation that citizenship has been asked and the client meets LSC eligibility standards. Victims of battery or extreme cruelty, who are not citizens or eligible aliens can be served with non-LSC funds for specified purposes (but cannot be counted in the LSC CSR).

LETTER SENT WITH APPLICATION

Dear _____:

Please find enclosed an application which you recently requested. All three pages MUST be completed in order for us to consider your request for assistance. For divorces and bankruptcies, an additional two-sided form is attached. An incomplete application can result in your request being rejected or delayed. Please read the instructions before you begin.

Once you have completed the application, return it to our _____ Office. If you want to drop it off, our office hours are Monday through Thursday, 8:30 a.m. to 5:00 p.m. If you need help filling the application out, bring it into the office and a staff member will assist you.

Applications are reviewed every _____; therefore, your application must be received by our office no later than 2:00 p.m. on _____ for it to be reviewed.

Once your application is reviewed, a letter will be sent to you the same week. The letter will tell you if your request has been accepted (for full representation or solely for advice or brief services) or rejected, or if more information is needed.

If more information is needed, we will ask you to make an appointment to meet with someone on our legal staff. After your appointment, your application must be re-reviewed. Therefore, it is important that you provide as much information as possible on your application.

Again, read the instructions before you begin.

Sincerely,

Staff Attorney

Enclosure

DIRECTIONS

When you apply for services from Legal Services of North Florida, a non-attorney member of our staff will make an initial screening to determine whether a conflict exists. Please be advised that screening your application will not create a conflict for the other party if he or she applies for services. Also be advised that you will not become a client of Legal Services of North Florida until a committee reviews your application and a member of the staff signs a completed retainer agreement, except in emergency circumstances which will be communicated to you.

APPLICATION: Complete the two sections.

CLIENT IDENTIFICATION Section:

Left Side Fill in the following—name, address (where you want to receive your mail), phone number, and date of birth.

Right Side Check the appropriate box for your sex, race, age group, if you have been a client here (LSNF) before, if you are disabled, and fill in your social security number. **(If you are a U.S. citizen, we must have your social security number to process your application.)**

CLIENT INFORMATION Section:

Fill in the following information for EVERYONE (relative or not) presently living in your household that contributes to your household.

NUMBER OF DEPENDENTS-- Total number of adults and children presently living in your household.

TYPE OF APPLICANT-- Place a check mark in the blank which applies to you. If you and several other people are wishing to apply together, check "Group."

INCOME-- Fill in the gross monthly amounts of ALL sources of income for EVERYONE presently living in and contributing to your household. DO NOT TOTAL AMOUNTS. The program will total it for you. If this section is blank, the application cannot be reviewed. If you have absolutely NO INCOME in your household, so indicate.

EXPENSES-- Fill in the MONTHLY amount of the debts listed below for EVERYONE presently living in and contributing to your household. DO NOT TOTAL THE AMOUNTS. The program will total for you.

WORK TRANSPORTATION—Gas, maintenance to car, cab fare, etc. (but not car loan payments)

CHILD CARE/SUPPORT—Monies paid for child care services or for child support payments

MEDICAL/% OF INCOME—Monies spent per month for medical bills not covered by insurance
AGE/PHY SICAL INFIR MIT Y—Monies spent for special needs of an aged person or a person with disabilities who resides with you (i.e., wheelchair, etc.)

FIXED DEB TS/OBLIGATIONS—Unpaid taxes from previous years and any outstanding debts if more than \$3000 is owed on the principal. Do not include revolving loan accounts or debts for current taxes, insurance, jewelry, cars, student loans, or mortgages unless a judgment has been entered.

DO YOU OWN--Fill in cash value of the following items if owned by you or anyone presently living with you who is contributing to your household. DO NOT TOTAL AMOUNTS. The program will total it for you.

CASH--Any money on hand that is not in a bank or account.

SAVINGS ACCOUNTS--Any money kept in any and all savings accounts.

CHECKING ACCOUNTS--Any money kept in any and all checking accounts.

CREDIT UNION ACCOUNTS--Any money kept in any and all credit union accounts.

INSURANCE (CASH VALUE)--Value of any and all policies that can be cashed in.

REAL PROPERTY OTHER THAN RESIDENCE--Value of any and all real property owned by anyone in your household except your home.

CARS NOT USED PRIMARILY FOR EMPLOYMENT--Value of any and all vehicles that are not used for transportation to and from work.

PERSONAL PROPERTY--Value of any and all boats, campers, etc.

OTHER--Any other assets not mentioned above.

INTAKE FACT SHEET: Describe carefully and in detail the problem you are having. This form MUST BE COMPLETED in order for your application to be reviewed. If you need help with this page or other parts of the application, please come into the office for help.

U.S. CITIZENSHIP FORM: If applicable, sign name on first line and print name and date on second line. If not applicable, you must provide documentation listed in the citizenship form regarding your alien status. THIS INFORMATION MUST BE COMPLETED FOR YOUR APPLICATION TO BE REVIEWED.

BANKRUPTCY OR DIVORCE FORM: If attached, please fill out completely.

When all forms are completed, return them to:

Legal Services of North Florida, Inc.

When received by our office, your application will be reviewed the following _____ afternoon.

GRIEVANCES: LSNF has a grievance procedure available to address complaints related to the manner or quality of legal assistance that has been rendered or related to denial of assistance based on ineligibility, legal prohibitions, or failure to fall within priorities.

LSNF COUNTIES SERVED BY BRANCH OFFICE

TALLAHASSEE

Leon
Wakulla
Jefferson
Franklin

QUINCY

Jackson
Calhoun
Gadsden
Liberty

PANAMA CITY

Gulf
Bay
Washington
Holmes

FORT WALTON

Walton
Okaloosa

Case Acceptance

A. Purposes

The purposes of case acceptance are to:

- (1) determine financial eligibility
- (2) determine the meritoriousness of potential clients' cases;
- (3) determine whether the office can handle the case based on:
 - (a) where it fits within the established priorities balanced against,
 - (b) subject matter of and number of cases within individual staff caseloads;
- (4) determine referrals to the pro bono panel members;
- (5) determine referrals (for recommendation to the director of litigation) to programs in other parts of the state and country for clients whose cases must be handled outside our service area; and,
- (6) determine co-counseling arrangements, where appropriate.

B. Decision to Accept or Reject Case at Case Acceptance

The office case acceptance committee shall consist of all of the office's attorneys and legal assistants, of whom all are required to attend unless excused by the (branch) senior attorney or his/her designee. The office case acceptance committee shall meet on a day designated by the (branch) senior attorney each week to review all potential cases of applicants whose intake occurred during the intervals between case acceptance committee meetings.

If the applicant does not provide enough information to process the case through case acceptance, a letter (see attached) will be sent asking the applicant to call and make an appointment. After the information is obtained, the application is resubmitted to a weekly case acceptance meeting.

If the applicant does not contact the office within one month of the date of the letter requesting him/her to make an appointment, the communications coordinator will place his/her incomplete information in an inactive file and send a deferred rejection

letter to the applicant (see attached letter). The case shall be rejected as "client withdrew or did not return."

The (branch) senior attorney shall act as the facilitator for the office case acceptance committee. The committee shall decide if the applicant is financially eligible, if the client's problem is one that fits within the category of problems handled by the program, and if the case should be accepted (unless it involves costs, or a federal action other than a bankruptcy, a case involving legislative/administrative advocacy, an appeal (except a social security appeal to the Appeals Council), or a case of programwide impact.¹) (The cases in the exception must be brought before the monthly senior attorney committee.) In the Quincy office since there is presently no senior attorney, the senior attorney in the Tallahassee reviews the cases during the Tallahassee Case Acceptance meeting and returns some cases to the Quincy staff or representation or assigns them to Tallahassee staff.

In cases of differences of opinion, the (branch) senior attorney (or his/her designee) shall have final authority on whether a case shall be accepted or rejected.

C. Criteria for Acceptance or Rejection at Case Acceptance

Priorities should be considered as an initial threshold over which applications must pass in order for LSNF to consider representation. However, during Case Acceptance, criteria to determine which cases that fall within the priorities should be accepted should be applied, including:

1. Issues affecting safety of applicants,
2. Issues affecting basic necessities of food or shelter or family integrity,
3. The number of eligible applicants or clients who would be affected by undertaking representation,
4. The likelihood of success on the merits,
5. The availability of other representation,
6. The severity of consequences to the client,
7. The time period in which the action must be taken to protect the client's interests,
8. The resources required in handling the case, including time and expense, and
9. Referral from a judge or a funding entity (such as a

¹Cases with programwide impact refer to those cases that affect significant segments of the eligible population.

commissioner whose county has adopted a filing fee add-on).

Under criterion number 8, if the case requires expenditures of program funds from the litigation funds outside those designated to an office, the (branch) senior attorney must obtain oral approval for such expenditures from the director of litigation via the phone prior to the close of the office case acceptance meeting or, if the director of litigation is not available, at the earliest possible time following case acceptance.² (During the course of litigation, the appropriate litigation request forms must be submitted.)

D. Rejection of the Case

If a case presented at case acceptance is not accepted, the applicant will be informed of the decision by letter. A telephone call is not precluded, but the letter must be sent. A copy of the form letter to be used for this purpose is attached. Enclosed in the letter is a statement of the right to challenge the decision. (See Appendix A for client grievance procedure.) The letter must be mailed the next business day following the decision.

(For ineligible clients who have legal problems, an explanation of the consequences of not seeking other counsel in a timely manner should be provided.)

E. Acceptance of the Case

Upon acceptance of the case, the client is assigned an attorney or legal assistant. The client is sent a letter advising him/her of the attorney assigned (form attached) along with a completed copy of the retainer agreement for signature. A telephone call is not precluded but the letter must be sent. The letter must be mailed the next business day following the decision.

² Projected routine costs of less than \$20 or, for Social Security cases, costs for medical records projected at less than \$50 need not receive prior approval of the director of litigation prior to acceptance of the case.

ACCEPTANCE LETTER

DATE

Dear :

Recently you returned your application for services to Legal Services of North Florida, Inc. Your case was presented to the Case Acceptance Committee on date of case acceptance and the Committee decided that the program would be able to represent you on those issues specifically noted in the attached retainer agreement. Please bring in your signed retainer agreement. If I have not heard from you within 15 days after the receipt of this letter, we will discontinue processing your application.

If you have new or further information regarding your case, please call.

Sincerely,

Staff Attorney/
Legal Assistant

Enclosure

LETTER SENT AFTER NO RESPONSE FROM CLIENT

DATE

Dear :

On date lt sent you were mailed correspondence advising that your case was accepted by the Case Acceptance Committee at Legal Services of North Florida. It has been at least 20 days and we have not heard from you. If you are still in need of our services, please contact me within ten days. If I have not heard from you by ten days from date of letter , I will close your file.

Sincerely,

Staff Attorney/
Legal Assistant

LETTER RETURNING RECEIPT AND COPY OF RETAINER

DATE

Dear :

Attached is your copy of the retainer agreement. As your case progresses, you may need to place funds into your trust account to cover costs related to your case such as filing fees, bankruptcy kit, court reporter cost, or outside professional services, etc.

Your representative will inform you if additional funds are needed to properly and adequately represent your interest.

Sincerely

Staff Attorney/
Legal Assistant

Enclosure

LETTER DEFERRING CASE

DATE

Dear :

Recently you returned an application for services to Legal Services of North Florida. However, from the application alone, enough information was not obtained to determine if we would accept your case. As a result, we ask that you call our office at _____ between the hours of 9:00 a.m. and 5:00 p.m., Monday through Thursday to schedule an appointment. It is extremely important that you contact our office. If no response is made within ten (10) days of receipt of this letter, our office will reject your case for lack of cooperation. Your immediate attention will be appreciated. Thank you.

Sincerely,

Staff Attorney/
Legal Assistant

LETTER 10 DAYS AFTER DEFERRED LETTER

DATE

Dear :

On _____, you were mailed a letter requesting you to contact our office within ten days. To date, you have not responded. Therefore, Legal Services of North Florida is rejecting your case based on lack of cooperation.

If you wish to challenge this decision, you may do so by notifying the program's director at 2119 Delta Boulevard, Tallahassee, Florida, 32303, of your desire to do so by mail within 10 days of receipt of this letter.

Sincerely,

Staff Attorney/
Legal Assistant

LETTER REJECTING CASE FOR FINANCIAL INELIGIBILITY, CASE RESTRICTIONS, AND OUTSIDE PRIORITIES

DATE

Dear :

Recently you submitted an application for services to Legal Services of North Florida. Your case was presented to the Case Acceptance Committee on _____ to determine if this program would represent you in a legal matter. Regrettably, because

- 1) you do not meet our financial eligibility requirements, **(OR)**
- 2) of case restrictions imposed by the Legal Services Corporation; **(OR)**
- 3) your case fall outside priorities established by our Board of Directors

we are unable to provide the assistance you requested. Nevertheless, we

- 1) wish to offer the following advice: **(OR)**
- 2) are enclosing a brochure we hope will assist you **(OR)**
- 3) (Legal Staff completes)

If you wish to challenge this decision, you may do so by notifying the program's director at 2119 Delta Boulevard, Tallahassee, Florida, 32303, of your desire to do so by mail within 10 days of receipt of this letter.

Sincerely,

Staff Attorney/
Legal Assistant

**LETTER REJECTING CASE REASON OTHER THAN FINANCIAL INELIGIBILITY,
CASE RESTRICTIONS, OR OUTSIDE PRIORITIES**

DATE

Dear :

Recently you submitted an application for services to Legal Services of North Florida. Your case was presented to the Case Acceptance Committee on _____ to determine if this program would represent you in a legal matter. Regrettably, because

- 2) of a conflict of interest **(OR)**
- 3) you do not live in our service area **(OR)**
- 4) your case does not meet the criteria approved by our Board of Directors **(OR)**
- 5) SOME OTHER REASON

we are unable to provide the assistance you requested. Nevertheless, we

- 1) wish to offer the following advice: **(OR)**
- 2) are enclosing a brochure we hope will assist you **(OR)**
- 3) (legal staff completes)

Sincerely,

Staff Attorney/
Legal Assistant

Client Correspondence

Clients will automatically be sent copies of all correspondence prepared by LSNF in their cases.

Case Review

Twice a year the senior attorney will conduct substantive case review sessions with each individual staff attorney and bring to the meeting any cases of concern and they will be discussed fully by the managing attorney. Advocates will be given an opportunity to submit cases they wish to discuss to the manager.

One of the main purposes of the case review system is not only to allow the senior attorney to monitor the quality and the effectiveness of the case handler, but also to improve the overall quality of the work being done and to identify client problems that are being presented to the office. Review should include the decisions made and actions taken in handling a typical case of that type, the obstacles and difficulty the case presented or how or whether they were confronted, the outcome of the case and the client's situation at its conclusion, the forms, pleadings, letters, and memos in the file and, most important, questions managers asked the advocate that any of the above inquiries may suggest. The purpose of this exercise is to develop a preliminary consensus on what constitutes good practice in each area of the program's work.

The director of litigation, after consulting with the senior attorneys, will schedule up to two programwide case review meetings. The meetings will include experienced advocates from each office. A survey, informal or formal of advocates will be taken to identify emerging or difficult issues facing our clients. Once a topic is chosen, such as federal litigation of subsidized housing, then an outside expert is brought in to facilitate the meeting. Cases in the area are brought to the meeting and a report is issued to the executive director on the results of the meeting. Training materials are given to each office for distribution.

Senior Attorney Meetings

All federal suits (except bankruptcies); cases involving legislative/administrative advocacy; appeals (except Social Security cases appealed to the Appeals Council); cases in which jury trials have been requested that have gone beyond pretrial; cases involving community economic development, or representation of a community group; and other cases of programwide impact (defined in "Case Acceptance" section) should be reviewed by the director of litigation, the executive assistant and the (branch) senior attorneys at the senior attorney meeting. At that meeting the (branch) senior attorneys will make a recommendation on whether or not to institute litigation or other appropriate action and the director of litigation will have final approval (subject to approval by the executive director on all cases involving appeals, or legislative/administrative advocacy). Once a major case is accepted, co-counseling within the program will be decided at senior attorney meeting and appropriate assignments will be made. Similarly, for court appeals approved at senior attorney meeting, co-counseling arrangements will be made as will a tentative schedule for draft submission to the (branch) senior attorney of the office out of which the appeal is being taken and to the director of litigation for review, comment, editing and modification. The director of litigation may convene a special senior attorney meeting at any time a decision on "approving" a case is needed prior to the next regularly scheduled senior attorney meeting.

Also at senior attorney meeting the status of major cases will be reviewed as will compliance with funding source requirements, with priority setting standards and with other litigation related goals (such as changes in intake schedules, implementation of intake in new satellite offices, etc.).

Opening Client Files

In-House Cases

The communications coordinator, at the time a client completes and returns his or her intake sheet, enters the client information on the database which automatically assigns a case number. Once eligibility has been determined and the case has been accepted (either at case acceptance or senior attorney meeting) the intaking attorneys will forward all materials to the docket clerk. The docket clerk is responsible for opening a case file (unless the only service provided is "advice only" or "brief service" ³which can be opened and closed simultaneously) and returning the file to the intaking attorney or legal assistant for "tickling".

Anytime an eligible client has more than one legal problem a separate intake sheet and separate intake information should be provided to the docket clerk. The docket clerk should open a file for each legal problem. In terms of specific examples, when a custodial parent applies for social security benefits on behalf of more than one child, a file should be opened for each child.

The files are organized by the docket clerk as follows: original of intake sheet and other papers pertaining to the case on the left and pleadings pertaining to the case on the right, all papers being punched at the top. Papers on both sides are filed in date order with the most recent pleading/papers on the top.

PAI Files

Upon a pro bono attorney's acceptance of a referral from LSNF, the case intake information will be returned to the referring office to prepare two files: an original case file and a duplicate case file. The original file will be returned to the Tallahassee Office to be maintained with all other PAI case

³Cases are coded as "advice only" if we can take care of the problem at an initial interview with the client or by preparation of a letter back to the client based on the intake information provided (for example, explanation of rights or obligations that does not require research). Cases are coded brief service if they require any type of work after or during intake, including: 1) making a telephone call 2) drafting pleadings (even if the client subsequently withdraws or abandons the case); 3) drafting wills; and 4) researching and providing written advice to a client based on the research.

files. The duplicate file will be maintained by the referring office. The pro bono coordinator will be responsible for sending copies of any additions to PAI case files to the branch offices in order to keep their files current.

All PAI attorneys will be sent a memorandum requesting that they adopt the same procedure for client file organization as is used for in-house files described above.

Conflict Check

1. All intakes will go to the communications coordinator, who will make the initial conflict check. If the communications coordinator determines there is a potential conflict because we previously represented an adverse party (in any type of legal matter), the communications coordinator will give the intake and the information regarding our previous representation to an office legal assistant or paralegal to review. The legal assistant/paralegal will determine whether or not the adverse party is the same party for whom we provided previous representation and, if so, whether the previous representation was on the same or a substantially related matter. If the legal assistant/paralegal is unsure about whether the previous representation was on a substantially related matter, he or she will call the Director of Litigation, without giving the names of the parties, and ask the Director of Litigation's opinion on whether or not a conflict exists.

2. In all domestic relations cases the following procedure will be followed:

- a. If both parties applied during the same week, the communications coordinator will provide the woman's intake to case acceptance for review and will hold the man's intake. If the woman is not accepted, the communications coordinator will give the man's intake the following week to the case acceptance committee to review for referral to the pro bono panel if his case meets the case acceptance criteria. The communications coordinator will make a note on the intake reminding the case acceptance committee that they reviewed the adverse party's intake the previous week so they will know that the case has to be referred. If however the woman's case is accepted, the communications coordinator will file the man's intake sheet in a separate file and he will be sent a letter indicating that we are unable to provide him with legal representation. No reason will be given. He will also not be given an opportunity to appeal. If both parties are male or female, the first one to apply will be initially submitted to the case acceptance committee. If that person is declined, the other party's application will be submitted for potential referral to the pro bono panel.
- b. If a man applies for representation in a family law case and we have not previously represented his

partner, the communications coordinator will give the intake to the paralegal/legal assistant to review to see if the man's case meets the case acceptance criteria-i.e., whether or not he is the victim of any abuse or the children will be endangered by potential placement with the adverse party. If his case meets that criteria, it will be sent to the case acceptance committee for review. If it does not meet one of these criteria, he will be sent a letter declining his case and a note will be made by the communications coordinator that the adverse party should not be declined as a result of a conflict if he/she applies in the future and meets the other case acceptance criteria.

Anytime an applicant is turned down as a result of a conflict, his or her intake will be placed in a separate file maintained by the Communications Coordinator that will not be available to the attorneys to review. The letter to the client will merely be declined without any reason or any right to appeal.

In-House/PAI Conflict Policy

When a potential conflict is noted before intake, in appropriate cases the individual seeking an appointment will be advised that although representation by LSNF is unavailable, referral to a PAI attorney may be possible. Should the individual be given an appointment and should LSNF have an open case involving a client on a matter adverse to the individual to be referred, the LSNF client will be notified. In instances wherein the conflict results from LSNF's past representation of a client with an adverse interest, the client need not be notified of the referral unless and until the client returns to LSNF for representation resulting from some action instituted by a PAI attorney on behalf of a referred individual.

Should the existence of a potential conflict not be discovered until after intake, the intaking LSNF staff member shall either refer the individual to another agency which can provide legal representation or make a referral to the PAI coordinator.

A PAI referral shall not be made without the written consent of the individual for whom assistance is being sought and notification to the adverse party being represented by LSNF if a case is on-going at the time the referral is being requested or made (or, at the time a client represented on an adverse matter in the past by LSNF recontacts LSNF for assistance in the matter being referred).

Should referral of a party adverse to a past or present LSNF client take place, LSNF shall not maintain an open file nor shall LSNF attorneys or staff be available for consultation or advice or for secretarial support. The panel attorney shall be advised in writing of these conditions.

Major Pleadings

In order to effectuate LSNF's policy of having co-counseling arrangements within the office to (1) allow inexperienced staff to work with experienced staff, (2) allow all staff an opportunity to work on impact cases, and (3) ensure quality work by the program, all major pleadings (whether or not part of an impact or appellate case) should be developed by at least two staff members who are assigned by the (branch) senior attorney of the office in which the pleading is being generated if an assignment has not already been made at case acceptance, case review or senior attorney meeting. Major pleadings are defined as all federal complaints and all non-routine documents (whether filed in state or federal court) including motions, memoranda of law, non-form interrogatories, briefs, etc. All major pleadings must be reviewed by the (branch) senior attorney of the office in which the case is generated and should be reviewed and approved by the director of litigation prior to filing. It is the responsibility of the staff member who is primarily responsible for the case to notify the (branch) senior attorney and the director of litigation that a major pleading is being developed and to work out a mutually agreeable schedule (1) for the draft pleading to be submitted to the (branch) senior attorney and the director of litigation for review, (2) for revision time, and (3) for submission of the final draft to the (branch) senior attorney and the director of litigation prior to filing. All major pleadings must be signed by the preparer followed by the name of the (branch) senior attorney and the director of litigation.

For branch offices with the capability to transfer documents on the word processor, major pleadings should be transferred via that mechanism and again the attorney primarily responsible for that case should make appropriate arrangements with support staff for transferring that information on schedule to the director of litigation.

Upon completion, all major pleadings should be identified to support staff for inclusion in all offices' brief banks. The attorney with primary responsibility for drafting the pleading is responsible for dictating a card for the brief bank (see attached form). The secretary who types the brief is responsible for obtaining a number from the lead secretary in Tallahassee for inclusion of the brief in the brief bank. He/she is also responsible for sending a copy of the brief with a cover letter to the National Clearinghouse for Legal Services and for sending copies to each of the lead secretaries. Each lead secretary is responsible for placing a copy of the brief in the office's brief bank and for updating the office's computerized brief bank.

MEMORANDUM

TO: Lead Secretary

FROM:

DATE:

RE: Index Card for Brief Bank

Attached is a pleading to be distributed to each of the offices for placement in their brief banks. The following information should be placed on the index card:

Subject: _____

Type of Pleading: _____

Issues: _____

Name of the Case: _____

Case Assignment

The senior attorney, at case acceptance, will make case assignments to individual staff members on routine cases. (As discussed in other sections, co-counseling assignments will be made on major cases.)

No staff member leaving the employment of LSNF shall be allowed to take any cases with him/her unless the client and the director of litigation and executive director give express written approval, a copy of which shall be placed in the LSNF client file. In the absence of such approval, the (branch) senior attorney will be responsible for transferring open cases of terminating staff to other appropriate LSNF staff members. The transfer of cases shall be effectuated as follows:

- (a) The departing staff member shall prepare a "transfer memorandum" regarding the facts, status, strategy, and all other details of the case. This memorandum should be placed in the case file.
- (b) The staff member to whom the case is reassigned and the departing staff member shall have a conference to discuss the facts, status, strategy and all other details of the case.
- (c) The LSNF client shall be sent a written notice informing him/her of the transfer.
- (d) A substitution of counsel shall be filed in any cases in which formal appearances before agencies and courts have been made.
- (e) The (branch) senior attorney is responsible for ensuring that the office's and program's statistical records are adjusted to reflect the case transfer.

Referrals of Eligible Clients

For all clients who are eligible for our services but whose legal problems must be addressed outside of our service area, the (branch) senior attorney should evaluate the case for referral to another program. If a referral is recommended the staff person assigned to the case should prepare a letter of referral containing the facts of the case and the legal issues involved and identifying himself/herself as the contact person. The letter should allow a signature space for the preparer and for the director of litigation. Once the letter is prepared it should be signed and forwarded to the director of litigation along with all attachments to be sent (intake sheet(s), citizenship forms, retainer agreement, pleadings, relevant papers). (A copy of the letter and all attachments should be kept by the preparer of the letter.) No referrals should be made (in state or out of state) without the approval and signature of the director of litigation. If approved the letter will be signed and a copy returned to the preparer. Once the case has been accepted by another program and we have documentation of the acceptance in the file, the case should be officially closed even though we will continue to act as liaison at the request of the referring program or the client.

Likewise no referral should be accepted from any programs in state or out of state without the approval of the director of litigation, who will initially screen the case and, if appropriate, then forward the case to the (branch) senior attorney of the office that would be handling the case to take the case through case acceptance. After case acceptance the (branch) senior attorney shall write to the referring program giving the decision of whether or not LSNF will represent the client and will copy the letter to the director of litigation.

A referral agreement exists between programs within the state of Florida (see Appendix B). The project directors agreed as part of that agreement that in domestic relations cases in which venue is improper, the program representing the client should file the case where the client resides and obtain a prior agreement that the program to which the case would need to be referred would be willing to take it in the event venue was challenged. No written agreement exists with out-of-state programs.

Within the fourteen county service area of LSNF if an eligible client comes into a branch office with a legal problem existing in a county handled by a different branch office the (branch) senior attorneys should attempt to logically determine which office should handle the case. The referring office will obtain the intake information and forward it to the office to whom the

case will be referred who shall take the case through case acceptance and determine whether to accept or reject. If no agreement can be reached the (branch) senior attorneys should request a decision by the director of litigation.

Requests for Litigation Funds

For any potential costs associated with a case, the client should be requested to supply funds for those costs up front to be placed in our trust account. For clients unable to provide such funds an indigency certificate should be filed where permissible. For costs that cannot be waived or costs for which the client is unable to pay, a "Request for Litigation Funds" (see attached) should be submitted to the (branch) senior attorney who may choose to pay it from his/her office account or who may forward it to the director of litigation for approval. For routine copying costs and other costs that are twenty dollars or less or for medical records necessary for Social Security clients in which the projected cost is \$50 or less, prior approval by the director of litigation or a (branch) senior attorney is not required. (Even if prior approval is not required, however, a Request for Litigation Funds with appropriate receipts must be submitted timely once the expense is incurred.) For all other costs approval must be obtained prior to incurring the expense.

*Each (branch) senior attorney will have a designated amount of litigation funds available for his/her office. All litigation requests signed off by the senior attorney will be subtracted from the amount allotted to that office; the (branch) senior attorney is responsible for keeping track of the amount of money expended from his/her account.

REQUEST FOR LITIGATION FUNDS

Date of Request: _____

Date Expense Incurred: _____

Make check payable to: _____

Amount requested: _____

Case name and number: _____

In-house case number: _____

Purpose for Request: _____

Please Check One: Domestic Violence Case: _____

Non-Domestic Violence Case: _____

Requested By

Approved by: _____
Senior Attorney

Director of Litigation

LEXIS

All offices have desktop access to unlimited internet based LEXIS-NEXIS for legal research. Offices also have access to the program's webpage which provides links to additional research sites and databases. The statewide website significantly enhances LSNF's ability to interface with other legal services providers in the state. When complete, the site will include substantive law manuals, CLE materials, best practice manuals, and pleadings.

Time Keeping

All attorneys, legal assistants, and paralegals are required to maintain accurate time records on all case related and non-case related activities using the WNYLC Time System. Time must be entered contemporaneously. Timeslips are recorded under the following activities:

Individual Case Activity:

Includes representation in litigation, administrative proceedings, negotiations, and such actions as advice, brief services, assistance with individual PAI cases, referrals of eligible clients, case review, and client intake of eligible clients.

Matter Activity:

An action which contributes to the overall delivery of program services that does not involve direct legal advice to or legal representation of one or more specific clients (such as case assignment meetings, community education events, developing information materials explaining legal rights and responsibilities, training, continuing legal education, general supervision of program services, PAI recruitment, **intake when no case is undertaken**, referrals of clients when no other service is provided, tracking substantive law developments, and other direct or indirect program services that are not actions taken in cases).

Supporting Activity:

Actions that are administrative in nature and are not cases or matters. Such actions include fundraising and actions classified as "management and general" for accounting purposes (such as fundraising, board meetings, staff breaks, leave, general staff meetings, researching timekeeping systems, and staff evaluations).

Funding sources are chosen as follows:

LSC (combined) for all cases, matters and support activities except those related 1) to client groups, legislative/administrative advocacy, battered persons who are aliens or other activities restricted by LSC, but allowed if paid by other funding sources; 2) VOCA, VAWA, STOP; 3) Title III that are for clients ineligible for LSC; 4) PAI activities; 5) fundraising (not including applications for grants). Activities related to client groups and legislative/administrative advocacy should be

coded under IOTA. Those related to battered persons who are aliens should be coded either IOTA, VAWA, VOCA, or STOP, as appropriate, depending on how the case was received into the program and what services are being provided. Activities that are funded primarily or totally by VAWA, VOCA, or STOP, should be recorded under that funding source. Title III ineligibles should be coded Title III, PAI related activities as PAI, and Fundraising as unrestricted.

The program statistician reports monthly on time spent on each activity and provides a copy of the report to the assistant to the executive director, the executive director, the director of litigation, and the fiscal office.

Social Security Cases/Solicited Fee Arrangements

A policy established by the LSNF Board requires LSNF's staff to request Social Security clients to make a voluntary contribution to LSNF (in addition to reimbursing LSNF for costs expended by the program in connection with the client's case) on the condition that LSNF is successful in obtaining benefits for the client. The form for soliciting contributions is attached and should be presented to the clients at the initial interview. The staff member handling the case is responsible for forwarding the form to fiscal upon completion by the client at the beginning of the case.

The staff member handling the case is also responsible for sending a copy of the first page of all clients' decisions (denoting Favorable or Unfavorable) to Theresa.

A series of form letters have been developed thanking the clients for signing the contribution forms and reminding them, in cases of favorable decisions, to make their contributions. Copies of form letters are attached. The legal assistants are responsible for sending form letters 1-5 and 2-5. If a contribution is received, fiscal is responsible for notifying the personnel technician to prepare letter 3-5. The personnel technician will send a copy of that letter to the legal assistant. If at anytime the client indicates that he/she no longer wishes to contribute, fiscal will be informed and will notify the personnel technician to prepare letter 4-5. Alternatively, if after a reasonable time no contribution is forthcoming, fiscal will notify the personnel technician to generate letter 5-5. If letter 4-5 or 5-5 are sent, the staff person handling the case will write a final closeout letter.

ELIGIBLE SOCIAL SECURITY CLIENT ACKNOWLEDGMENT

Please check the blank applicable below:

1. _____ If my award is \$500 or more, I wish to voluntarily contribute 10% of the award I receive as a result of Legal Services' representation.

I understand that if my award is more than \$20,000, I will contribute no more than \$2,000.

2. _____ I do not wish to contribute any of my award to Legal Services of North Florida, Inc.

Client Name (Printed)

Client Name (Signature)

Mailing Address

Date of Acknowledgment

Legal Assistant/Attorney

____ Copy sent to Fiscal

_____ Date Sent

Form Letter 1-5

Dear

You should have received by now, as I have, a copy of the favorable decision of the Administrative Law Judge with reference to your application for Social Security Disability Benefits. The Judge found that _____.

Please be patient just a little while longer while the final process of issuing a formal award letter takes place. You will probably be contacted by your local Social Security office to supply them with information.

Again, my heartfelt congratulations on your award. Enclosed please find a copy of your Eligible Client Acknowledgment Statement signed by you on _____. Thanks to your willingness to contribute and that of other award-receiving social security clients we have served, we can continue to assist others who are now in the position you once were of having nowhere to turn for help.

Sincerely,

Legal Assistant

cc: Fiscal Department, LSNE

NOTICE: Legal Services of North Florida is funded in part by the Legal Services Corporation. As a condition of the funding it receives from LSC, it is restricted from engaging in certain activities in all of its legal work-including work supported by other funding sources. Legal Services of North Florida may not expend any funds for any activity prohibited by the Legal Services Corporation Act, 42 USC 2995 et seq. or by Public Law 104-134. Public Law 104-134 504(d) requires that notice of these restrictions be given to all funders of programs funded by the Legal Services Corporation. For a copy of these laws or for any other information or clarifications, please contact Legal Services of North Florida.

Form Letter 2-5

Dear

I have been informed that your notice of award for _____ has been received at our office. We at Legal Services of North Florida are happy that we could be of help to you in receiving your Social Security award.

As acknowledged in the attached statement, you indicated your willingness to contribute 10% of your award to LSNF for the services we provided on your behalf. *At this time, you may send a check or money order, made payable to Legal Services of North Florida, Inc.*

As always, please feel free to call us or come by if you have any questions.

Sincerely,

Legal Assistant

cc: Fiscal Department, LSNF

Form Letter 3-5

Dear :

Thank you for your voluntary contribution of \$_____ to Legal Services of North Florida. You are enabling this program to meet its financial obligations and continue to provide legal representation to others in your position. Since we are a nonprofit organization and since you received no goods or services in return for your voluntary contribution, the entire amount of \$_____ is tax deductible. (Keep this receipt with your tax records to claim your deduction.)

I have enclosed a copy of our latest annual report to keep you informed of the program's efforts to provide quality legal services to our clients.

_____, you have made a difference in the life of this program. Again, thank you!

Since we have concluded the services we agreed to provide, we will be closing your file here at Legal Services. If you should require additional assistance in the future, please do not hesitate to contact us.

Sincerely,

Kristine Knab
Executive Director

Enclosure

NOTICE: Legal Services of North Florida is funded in part by the Legal Services Corporation. As a condition of the funding it receives from LSC, it is restricted from engaging in certain activities in all of its legal work-including work supported by other funding sources. Legal Services of North Florida may not expend any funds for any activity prohibited by the Legal Services Corporation Act, 42 USC 2995 et seq. or by Public Law 104-134. Public Law 104-134 504(d) requires that notice of these restrictions be given to all funders of programs funded by the Legal Services Corporation. For a copy of these laws or for any other information or clarifications, please contact Legal Services of North Florida.

A copy of the official registration and financial information may be obtained from the Division of Consumer Services by calling toll-free within the State at 1-800-435-7352. Registration does not imply endorsement, approval, or recommendation by the State.

Form Letter 4-5

Dear

Our office recently assisted you in your Social Security claim. I have been informed that you are no longer willing or able to make a contribution to LSNF. I hope you were satisfied with the services you received. If we can be of assistance in the future, please don't hesitate to call.

Sincerely,

Kristine Knab
Executive Director

cc: Casehandler

Form Letter 5-5

Dear

Our office recently assisted you in your Social Security claim. Although you previously indicated a willingness to contribute to LSNF we presume you are no longer willing or able to do so since your contribution has never been received.

We hope you were satisfied with our services. If we can be of assistance in the future, please don't hesitate to call.

Sincerely,

Kristine Knab
Executive Director

cc: Casehandler

Central File System

Files of all attorneys and legal assistants are required to be maintained in a central file system. As needed, files can be tickled. Once tickled, cases can remain in the possession of the staff member for a period of five working days. If a staff member needs a case for longer than five days he/she should re-tickle the case. Overdue cases should be returned upon demand. For staff who need files out of the central filing system when the docket clerk is not present a sign out sheet is provided and is required to be used.

Legal staff are responsible for scheduling hearings and depositions on the computer using the tickler system.

Standard Documents

A notebook of standard documents available on LSNF's word processor is provided to each attorney and legal assistant. Each staff member should try to use the standard document as prepared without modification. At various times it is necessary to change the language of a standard document to reflect changes in statutes, rules, court practices, etc. If a staff member becomes aware of the need for such a change he/she should provide the suggested change to the director of litigation for review and approval and submission to the lead secretary in Tallahassee for modification.

Oral Argument

Any time oral argument is granted in an appellate proceeding, the attorney(s) responsible for the case should notify his/her/their (branch) senior attorney(s) and the director of litigation to arrange a schedule for distributing copies of all briefs/relevant pleadings for review. The director of litigation will appoint a committee to assist the attorney(s) in preparation for oral argument. The committee appointed will be responsible for reviewing the pleadings and any major cases and conducting a question and answer session with the attorney(s) responsible for oral argument.

Pro Bono Cases

Legal Services of North Florida has two major components to its pro bono referral system: private attorney volunteers and government attorney volunteers.

A panel of private attorneys by county with areas of expertise is maintained by the pro bono coordinator out of the Tallahassee office. Cases that are appropriate for referral are chosen at case acceptance and forwarded to the pro bono coordinator in Tallahassee (a copy of the intake sheet(s), citizenship form, and any relevant documents provided by the client are sent to the pro bono coordinator). The client is notified by the coordinator in the Tallahassee office or the managing attorney in the outlying offices that his/her case is accepted and will be processed once the client returns a signed retainer agreement. A case number is immediately assigned by the docket clerk and returned to the coordinator in Tallahassee (the outlying offices hold the file until a signed retainer agreement is received). Once a signed retainer agreement is received the outlying office sends the case to the Pro Bono Coordinator for referral. The pro bono coordinator identifies an attorney who's willing to accept the referral and so corresponds with the client. At the same time, copies of all pertinent material go to the pro bono panelist. The Tallahassee office maintains the client's original pro bono file, while the outlying office keeps a copy file and forwards any original documents that may appear from time to time to the pro bono coordinator for filing in the original file. The pro bono coordinator keeps the file from the outlying office once the case is determined closed.

The pro bono coordinator is responsible for contacting the private attorney to whom the case is referred at quarterly intervals to determine the number of hours spent by the attorney on the case and some information on the status of the case. The (branch) senior attorney of the referring office is ultimately responsible for providing any requested advice to the private attorney assigned to the case.

Night Clinic

In those offices in which government attorneys are available for volunteering to accept case referrals, a night clinic is scheduled by the pro bono coordinator (in conjunction with the (branch) senior attorney of the office and the director of litigation). For the Tallahassee night clinic (held 17 times per year), staff from Tallahassee are assigned on a rotational basis to perform intake and assist the government attorneys who are present. Support staff from Tallahassee are also assigned to

assist with intake and are responsible for typing pleadings, correspondence, etc., for the government attorneys in connection with their pro bono cases. A duplicate file of cases handled by government bar attorneys is maintained in the Tallahassee office and the pro bono coordinator makes a quarterly contact with the government attorneys for hours and status information.

As with private attorneys, the senior attorney is responsible for providing requested advice to the attorney assigned to the case.

(An exception to providing advice to panel members exists for those cases referred to the panel because of a conflict--i.e., because LSNF represents or has represented a client with an interest adverse to that of the referred applicant.)

Small Claims Clinic

Pro bono attorneys may participate as panelists at Small Claims Clinics cosponsored by LSNF and the Leon County Clerk's Office. The clinics are held in Tallahassee once per quarter. A lead volunteer attorney from Tallahassee passes out intake sheets and provides a general overview of the small claims process. The pro bono panelists then answer general questions from the audience. Following the general questions, participants are invited to stay and ask specific questions of the attorneys present concerning their individual cases.

Senior Citizens' Advice Clinic

Pro bono attorneys are invited to assist elderly clients prescheduled for legal assistance at Tallahassee and Crawfordville congregate senior centers. Volunteer attorneys interview and handle eligible client cases providing legal assistance and/or preparing required legal documents and correspondence when necessary. Cases are maintained in the Tallahassee office and receive the same oversight procedures listed above.

Homeless Intake Clinic

Pro bono attorneys may participate in a homeless intake clinic at The Shelter, a homeless congregate center in Tallahassee. Volunteer attorneys are available to provide client intake or legal advice at a predetermined time on a regular basis to victims of homelessness. Situations requiring follow-up legal assistance are opened as in-house cases and assigned to the appropriate legal staff.

Partners in Service Program

Government or private attorneys may contribute money annually to

support Legal Services' volunteer attorney activities.

Family Mediation Assistance Project

Pro Bono attorneys are invited to represent Legal Services clients at family law mediation hearings for Tallahassee staff attorneys.

Neighborhood Justice Center Legal Advice Clinic

Pro bono attorneys may participate at the Neighborhood Justice Center Legal Advice Clinic cosponsored by LSNF and the Center. The clinics are held in Tallahassee every month. Volunteer attorneys agree to interview and provide legal advice to income-eligible clients pre-scheduled for clinic services.

First Saturday Clinic

Pro bono attorneys may participate at a weekend legal clinic cosponsored by LSNF and the Bay County Bar Association. The clinics are held in Panama City every month. Volunteer attorneys agree to interview, provide legal advice and accept cases of income-eligible clients pre-screened and scheduled for clinic services by Panama City office staff. Legal Services applicants are referred to the clinic for follow-up legal advice or case handling. The intake staff of the Panama City office is responsible for coordinating with the designated First Saturday Clinic coordinator(s) (assigned by the Chairman of the 14th Circuit Pro Bono Committee), applicant scheduling details, and transfer and return of applicant intake information. The same staff processes clinic intake information by updating it on computer (dividing applications from those who receive assistance, either advice only or whose cases are accepted, from those applicants who did not appear at the clinic) and transferring to the pro bono coordinator for further processing for record keeping purposes (as described above).

Telephone Legal Advice Hotline

Pro bono attorneys may participate in Legal Services' telephone legal advice hotline any Monday through Thursday each week from 2:00 to 5:00 p.m. Persons calling within the Tallahassee or Quincy office service area may call 385-2009 and are instructed to leave their name and phone number so that intake staff can return the call to interview the legal advice request caller to determine eligibility and collect advice information. The advice applicants are told an attorney will contact them during the

above times to receive the legal advice sought. The attorney staff of the Tallahassee office are available to assist the volunteer lawyer when necessary. Advice applicants requiring follow-up assistance are told to apply for legal assistance through Legal Services either to the Quincy or Tallahassee offices.

SUMMARY OF PROHIBITED AND RESTRICTED ACTIVITIES
 June 30, 1997
 Rev. 7/7/98

PROHIBITED ACTIVITY	COMMENT	REFERENCE ⁴
Criminal Cases. Representing a client in a criminal matter or collateral attack on a conviction		45 CFR, Parts 1613, 1615 LSNF Policy Manual
Incarcerated Clients. Representing a client in any civil litigation or an administrative proceeding challenging conditions of incarceration when the client is incarcerated in a jail, prison, penitentiary, etc.	Exception for pending cases where the incarceration is for less than 3 months and the litigation will be ongoing; exception for brief service, advice or other administrative proceedings.	PL 104-134, ⁵ Sec. 504(a)(15) 45 CFR, Part 1637 LSNF Policy Manual
Welfare Reform Advocacy. Initiating litigation, rulemaking or lobbying which challenges or participates in efforts to "reform" a federal or state welfare system	Applies to "reform" of Personal Responsibility Act, except for child support enforcement provisions (not Medicaid, SSA, VA, UC, etc.); Also, representing an individual client seeking specific relief from agency is OK if it does not challenge or seek to amend welfare law, including existing regulations.	PL 104-134, Sec. 504(a)(16) 45 CFR, Part 1639 LSNF Policy Manual
Drug Related Evictions. Representing a person who has been charged with or convicted of sale of, or possession with intent to sell, drugs in a public housing eviction based on that person's drug activity	OK to represent other members of household; OK to represent person in administrative eviction proceedings; OK to represent person charged with possession or use, if no intent to sell.	PL 104-134, Sec. 504(a)(17) 45 CFR, Part 1633 LSNF Policy Manual
Abortion Cases. Participating in any litigation with respect to abortion, and engaging in any legal assistance with respect to a non-therapeutic abortion	Permits advice and referral (but no litigation) with respect to abortions if non-LSC funds are used.	PL 104-134, Sec. 504(a)(14) 42 USC Sec. 2996f(b)(8)

⁴Note: The Corporation's FY 1997 Appropriations Act, Pub.L. 104-208, 110 Stat. 3009, continued the restrictions in the FY 1996 Appropriations Act, Pub.L. 104-134, which contains the operative substantive language.

⁵Public Law 104-134 is codified at 110 Stat. 1321 (1996).

<p>Redistricting Cases. Challenging a legislative, judicial or elective district or the taking of the census, including voting rights advocacy</p>		<p>PL 104-134, Sec. 504(a)(1) 45 CFR, Part 1632 LSNF Policy Manual</p>
<p>Legislative Advocacy. Legislative lobbying or efforts (or use of resources) to persuade others to support legislative changes; all "grassroots lobbying"</p>	<p>Exception for responding to a written request from a legislator, or advocating at the state or local level for funding for legal services (must use non-LSC funds).</p>	<p>PL 104-134, Sec. 504 (a)(4), (5) and (6) 45 CFR, Part 1612 LSNF Policy Manual</p>
<p>Administrative Advocacy. Lobbying agencies and participating in administrative rulemaking at federal, state or local level; all "grassroots lobbying"</p>	<p>Exception for commenting in public rulemaking proceedings, responding to a written request from an official, or advocating on state and local level re: funding for legal services (must use non-LSC funds).</p>	<p>PL 104-134, Sec. 504 (a)(2), (3), and (6) 45 CFR, Part 1612 LSNF Policy Manual</p>
<p>Class Actions. Participation in a class action in federal or state court (including acting as amicus curiae or co-counsel)</p>	<p>Only court actions are prohibited; administrative class actions are permitted. Non-adversarial activities are permitted as is representation of an individual seeking to withdraw from or opt out.</p>	<p>PL 104-134, Sec. 504 (a)(7), Sec. 505(b)(2) 45 CFR, Part 1617 LSNF Policy Manual</p>
<p>Fee-Generating Cases. Taking a case which, if done by a private attorney, would likely result in a fee out of the client's award, from public funds, or from the opposing party</p>	<p>Exception for cases which are rejected by local lawyer referral service or two private attorneys, cases which seek SSI & SSA benefits, cases not normally taken by private bar, emergencies.</p>	<p>42 USC Sec. 2996f(b)(1) and 2996e(c)(6) 45 CFR, Part 1609 LSNF Policy Manual</p>
<p>Client Identity & Statement of Facts. Participation in litigation, or in prelitigation negotiations, without obtaining a signed statement of facts from the client, and identifying the client by name in any complaint that is filed or separately to the defendant</p>	<p>Does not apply to work on a case, including some settlement negotiations, which are initiated before a decision to litigate has been made; use of sequenced retainers helpful. Does not apply to pro bono cases. Does apply to judicare/contract cases</p>	<p>PL 104-134, Sec. 504(a)(8) 45 CFR, Part 1636 LSNF Policy Manual</p>
<p>Attorneys' Fees. Claiming, collecting or retaining attorneys' fees pursuant to any federal or state fee shifting law including retroactive statutory benefits</p>	<p>Exception for cases initiated prior to April 26, 1996, but not including fees based on any new claims made after that date; exceptions for court appointments; sanction provisions; costs & expenses.</p>	<p>PL 104-134, Sec. 504(a)(13) 45 CFR, Part 1642 LSNF Policy Manual</p>

<p>Solicitation. Representing a person, or referring person to another LSC-funded program, after we have given in-person, unsolicited advice that s/he should obtain counsel or take legal action</p>	<p>Does not prohibit community legal education or outreach, which can be properly done in compliance with this restriction.</p> <p>Does not prohibit solicitation from clients.</p>	<p>PL 104-134, Sec. 504(a)(18)</p> <p>45 CFR, Part 1638</p> <p>LSNF Policy Manual</p>
<p>Ineligible Immigrants. Providing service to a non-citizen (who is not an eligible alien) unless the non-citizen (or his/her child) has been battered or subjected to extreme cruelty in the U.S. and services directly relate</p>	<p>Exception for permanent resident aliens, certain family members of citizens with pending applications for adjustment of status, refugees, asylees, grantees of withholding of deportation, H-2A workers (identified cases only) and certain conditional entrants.</p>	<p>PL 104-208</p> <p>PL 104-134, Sec. 504(a)(11) and Sec. 505(b)(2)</p> <p>45 CFR, Part 1626</p> <p>LSNF Policy Manual</p>
<p>Priorities Statement. Providing legal assistance without establishing priorities and having staff sign written agreements not to take cases outside priorities</p>	<p>Exception for emergencies of the kind specified in any Emergency Policy set forth in program priorities.</p>	<p>PL 104-134, Sec. 504(a)(9)</p> <p>45 CFR, Part 1620</p> <p>LSNF Policy Manual</p>
<p>Timekeeping. Receiving LSC funds without maintaining contemporaneous records of time spent by each advocate on each case, matter, or supporting activity</p>	<p>Current LSNF timekeeping system complies with this restriction and is mandatory for all advocates.</p>	<p>PL 104-134, Sec. 504(a)(10)</p> <p>45 CFR, Part 1635</p>
<p>Litigation Approval. Filing any appeal or federal litigation, or engaging in legislative or policy advocacy without first having approval from Senior Attorney Meeting or Executive Director</p>		<p>LSNF Litigation Manual</p>
<p>Appeals. Filing any appeal from court or tribunal unless the program has a board-approved policy governing appeals, and unless executive director has approved</p>		<p>45 CFR, Part 1605</p> <p>LSNF Policy Manual</p>
<p>Outside Practice. Representing a client other than an eligible LSNF client in any matter (applies to full-time attorneys)</p>	<p>Exception for representation at no fee of family member, close personal friend, religious or community group, or pursuant to court appointment. Must be approved by director, per LSC regulations.</p>	<p>45 CFR, Part 1604</p> <p>LSNF Policy Manual</p>

<p>Over Income Client. Representing a client whose gross income is above the levels in Schedule B of the Income Guidelines; representing a client whose income falls within Schedule B without providing written factual basis for decision to director</p>	<p>Exception if denial will jeopardize family structure or place applicant's economic future and well being in peril or for clients with unusual medical or nursing home expenses, with director's written approval.</p>	<p>45 CFR, Part 1611 LSNF's Client Eligibility Guidelines</p>
<p>Excess Assets Client. Representing a client whose liquid assets exceed the LSNF asset limits</p>	<p>May be waived with director's approval, which must be documented in applicant's file.</p>	<p>45 CFR, Part 1611 LSNF's Client Eligibility Guidelines</p>
<p>Advocacy Training. Conducting or supporting a training program advocating a particular public policy or encouraging political activity, boycotts, picketing, strikes, or demonstrations</p>	<p>Not intended to prohibit training of advocates on how to provide legal assistance to clients, nor advice to clients as to their legal rights regarding political activities, etc.</p>	<p>PL 104-134, Sec. 504(a)(12) 45 CFR, Sec. 1612.8 LSNF Policy Manual</p>
<p>Outside Employment. Engaging in outside employment without permission from director</p>		<p>LSNF's Personnel Manual</p>
<p>Demonstrations, etc. Participating in public demonstrations, picketing, boycotts or strikes on LSNF time while representing LSNF clients or while using LSNF resources</p>	<p>Exception for actions in connection with your own rights as an employee; OK to inform and advise clients about legal alternatives to litigation.</p>	<p>42 USC Sec. 2996e(b)(5)(A) 45 CFR, Sec.1612.7(a)(c) LSNF Policy Manual</p>
<p>Riots, civil disturbances. Participating in a riot, civil disturbance, violation of an injunction or other illegal activity, or encouraging others to do so</p>	<p>This applies even though the action is taken on your own time. OK to inform & advise clients about legal alternatives to litigation.</p>	<p>42 USC Sec. 2996e(b)(5)(B) 45 CFR, Sec.1612.7(b)(c) LSNF Policy Manual</p>
<p>Political Campaigning. Engaging in campaigning or assisting a candidate on work time or in name of or with resources of LSNF</p>	<p>OK to campaign on your own time.</p>	<p>45 CFR, Part 1608 LSNF Policy Manual</p>
<p>Political Candidacy. Running for partisan political office, even if done on your own time</p>	<p>OK to run for non-partisan office.</p>	<p>45 CFR, Part 1608 LSNF Policy Manual</p>
<p>Voter Registration. Engaging in voter registration or providing rides to the polls or engaging in any political activity on LSNF time or in name of LSNF</p>	<p>OK on your own time.</p>	<p>45 CFR, Part 1608 LSNF Policy Manual</p>

<p>Retainer. Representing a client or cases (except brief advice and consultation) without written retainer.</p>		45 CFR, Sec. 1611.8
<p>Reporting Client Names. Filing a case on behalf of a client without maintaining and reporting to LSC semiannually the name and full address of each party (unless protected by court order or rule or federal or state law or unless revealing information would endanger client), the cause of action, the court's name and address and the case number</p>	Report to LSC will be subject to FOIA.	Sec. 505 of 1998 Public Law 45 CFR, Part 1644
<p>Assisted Suicide, Euthanasia or Mercy Killing. Supporting, funding or providing legal assistance with LSC funds to assist in causing suicide, euthanasia or mercy killing of an individual, compelling others to so assist</p>	<p>Does not apply to withholding medical treatment, hydration or nutrition; alleviating pain or providing information on law</p> <p>Does not apply to non-LSC funds</p>	45 CFR, Part 1643

MEMORANDUM FOR REPORTING
LEGISLATIVE/ADMINISTRATIVE ADVOCACY

TO: Director of Litigation

FROM:

DATE:

During the _____ quarter of _____ I have _____ have not
(year)
_____ engaged in any presentation that is categorized as
administrative or legislative advocacy.

The activities in which I have engaged during this quarter that
are categorized as administrative or legislative advocacy are as
follows:

Type of Activity: _____

Description (include goals and discernible effects of advocacy):

_____ Attached are copies of requests from officials to testify,
review legislation or administrative regulations, or make a
presentation on a specific matter.

Case Close Out

Upon closing out a case the staff member responsible for the closure should fill out the case service report indicating disposition and whether or not the case is significant. For cases involving court decisions adopting stipulations, the case should be coded "court decision" rather than "negotiated settlement". For cases in which a client has withdrawn, the case should be coded brief services if a legal document was prepared and "client withdrawal" if no legal document was prepared. For cases in which "advice only" or "brief service" is provided, the advice given or service rendered must be noted in the file either embodied within correspondence or by separate memorandum. Advice and brief services must be closed within the year the services are provided and are considered "limited services" cases.

On a weekly basis (immediately before or after case acceptance meeting) the (branch) senior attorney should review all closed cases with his/her supervisees to fill out the case closure form (attached). The docket clerk should not close any case (except cases being handled by (branch) senior attorneys) that does not have a case closure form attached and initialed by the attorney's or legal assistant's supervisor (or his/her designee). If a docket clerk (or the docket clerk's equivalent position) receives a file for closing that is not initialed, he/she should immediately deliver that file to the (branch) senior attorney of the office for proper closeout.

For cases being handled by (branch) senior attorneys, the (branch) senior attorney should fill out a case closure form for each of his/her closed cases. The docket clerk (or other appropriate designated person) should close out those cases upon receipt but should place them in a stack for review by the director of litigation or the executive director. Only after review and initialing by the director of litigation or the executive director should (branch) senior attorney cases be filed in the closed file.

The docket clerk should place the case closure form inside the closed file.

For all cases defined as significant or human interest, the attorney assigned to the case is responsible for sending a memorandum to the director of litigation on closeout of the case describing the facts, issues and outcome of the case and for properly designating the case as such on the case service report. Significant cases are defined as federal cases (except bankruptcies); appeals (other than Social Security appeals to the Appeals Council level); cases involving legislative/

administrative advocacy; cases in which jury trials have been requested if settlement is not reached until after pretrial is conducted; cases involving community economic development, or representation of a community group; and any other cases that affect significant segments of the eligible population. Additionally, at the discretion of the director of litigation, a case may be considered for designation as a significant case at a Senior Attorney meeting if: (1) it involves a novel issue that requires extensive research and a written memorandum has been forwarded to the director of litigation and all senior attorneys for review; or (2) it involves more than one day's worth of testimony (whether in an administrative or court proceeding). Human interest cases are defined as cases that involve an interesting or unusual human interest issue. (These memoranda are needed for incorporation into the annual report.)

The staff member closing out a case is also responsible for instructing fiscal about trust account funds held in connection with each case, returning all important documents to clients,⁶ ensuring (if not already done) that all major pleadings have been copied with instructions for placement in brief banks and inserting the number of years that docket clerks should retain each client file.

The closeout letter to clients in which the substantive representation identified in the retainer agreement is completed should contain the following language: In order to ensure the assistance we have provided is of the highest quality, I encourage you to write the Program's Executive Director, Kris Knab, at our Tallahassee address. Please feel free to share any comments you may have regarding the services you received from our office.

PAI Closures

Upon closure of PAI cases the pro bono coordinator notifies staff in outlying office of its closure. The duplicate PAI file that had previously been retained by the referring office should be destroyed upon notification from the pro bono coordinator that the case is closed. The pro bono coordinator will keep the original case file in the Tallahassee Office subject to standard office file destruction procedures.

⁶ During the pendency of a case or at the close of a case, if client documents are delivered to a third party (even at the request of the client) a signed receipt must be received from the third party.

CASE CLOSURE FORM

Client Name: _____ Date Closed: _____

Case Number: _____ Destruct (No. of Yrs.): ____*(see below)

Type of Case (Code): _____ Reason Closed (Select A-L): _____

- Counsel and Advice A
- Brief Service (other than Counsel and Advice) B
- Referred after Legal Assessment C
- Insufficient Merit to Proceed D
- Client Withdrew or Did Not Return E
- Negotiated Settlement (without Litigation) F
- Negotiated Settlement (with Litigation) G
- Administrative Agency Decision H
- Court Decision I
- Change in Eligibility Status J
- Other K

Instructions: Where appropriate place check mark where activity completed: "x" if not applicable.

_____ All necessary action completed (i.e. all orders entered and sent/delivered to appropriate parties, etc. or if no court action, all work completed necessary to resolve case)

_____ Instructions forwarded to fiscal that client's bills be paid out of trust and any remaining trust funds be returned to client

_____ Adequate final communication to client made

_____ If significant or human interest case, memorandum dictated to director of litigation

_____ Copies of all major pleadings given to support staff with instructions for brief bank card and distribution

_____ Important papers, original client papers, and/or exhibits returned to client

_____ All required paperwork in file-completed retainer, citizenship attestation (or alien eligibility form), intake and asset information, and household size.

FILE DESTRUCTION

Indefinitely--Wills, living wills, durable powers of attorney, health care surrogate forms, major cases, files containing grievances filed by a client, files containing important papers that cannot be returned to client.

ALL OTHERS-Five Years

Staff Member Name: _____

Other comments: _____

Reviewed by (supervisor) _____ Date: _____

Management Team Meetings

Office policies and procedures that are not directly related to litigation matters are discussed at a weekly meeting (held every Monday) of management team. For input or suggestions on general office policies and procedures a staff member should request his/her supervisor to broach the topic at management team meeting. Attendance (in person or by telephone hook-up) of the following staff positions is mandatory at management team meetings: (branch) senior attorneys, director of litigation, personnel technician, assistant to the executive director, and fiscal officer. Lead secretaries are invited to attend.

Staff Training

At the beginning of each year the director of litigation will determine the amount of training funds available to each office based on the total budgeted amount for the program. Goals for substantive types of training will be established by the executive director and the director of litigation through the WIF process.

The director of litigation will accumulate and distribute planned training events sponsored by the Florida Bar, NLADA, Florida Legal Services, and others and distribute those to the senior attorneys for consideration. Training events deemed important by the director of litigation or executive director will be communicated to the senior attorneys who will include them in the plan for the office. Attendance at trainings not assigned by the branch senior attorney must be approved by the (branch) senior attorney supervising the trainee.

On local CLE-sponsored trainings, staff should request admission without cost. For all costs related to any training (except program mileage for attendance at scheduled trainings) staff should obtain prior approval from their (branch) senior attorney. For trainings that are sponsored and paid by Florida Legal Services, staff will be reimbursed according to the reimbursement policy of FLS.

When a trainee feels topics at a training would be beneficial to other staff (particularly relating to changes in the law), he/she should distribute a memo describing same to all legal staff. At times the director of litigation will request an oral summary from trainees to other staff.

Bar Committees

Membership of staff on bar committees of their choice is encouraged and, with prior approval of the director of litigation, expenses associated with committee membership will be paid by LSNF. Notification of committee membership should be provided to one's supervisor and to the director of litigation.

Media Contacts

Prior to discussing any LSNF matter with any member of the media, attorneys and legal assistants should have prior approval of the director of litigation or the executive director.

Statewide Umbrella Groups

Participation in statewide umbrella groups is encouraged but must be by approval of the director of litigation or by the executive director.

Client Withdrawals and Abandonments

If a client specifically requests LSNF to voluntarily dismiss a suit that has been filed, LSNF should attempt to obtain a written request from the client in writing prior to filing the dismissal. If a client merely abandons a case, is not locatable or wants more time to consider the action before moving forward and does not wish the case to be voluntarily dismissed, the attorney or legal assistant should leave the case pending (to protect any statute of limitation arguments) but withdraw as counsel/representative so that LSNF is not in a position of trying to defend lack of prosecuting the case (particularly in light of the fact that LSNF destroys files periodically).

File Destruction

Client files shall be retained by LSNF according to the schedule below:

1. Wills, living wills, durable powers of attorney and health care surrogate forums will be kept indefinitely.

2. Any file containing information concerning a grievance filed by a client against LSNF or an attorney of LSNF with an agency whatsoever, will be kept indefinitely.

3. All major cases will be kept indefinitely. (Major cases are defined as federal complaints (other than bankruptcies); class actions; cases involving legislative/administrative lobbying or representation or liaison activities; appeals (except social security appeals to the appeals council); cases in which jury trials have been requested if settlement is not reached until after pretrial is conducted; cases involving community economic development, policy advocacy, or representation of a community group; or any cases that affect significant segments of the eligible population.)

4. All files that contain important papers belonging to the client that cannot be returned to the client will be kept indefinitely.

5. All other cases will be destroyed five years after the closed date.

Staff reading files shall be retained for five years.

In January of each year, each office will go through its closed files and pull appropriate files for destruction.

Trust Account Procedure

In collecting client monies for deposit into the trust account, all cash payments must be accepted by an attorney; a receipt should be prepared by support staff who is then responsible for making the deposit (or transferring the funds to fiscal for deposit as appropriate).

Title III

Services for clients over age 60 are to be provided to those persons with greatest economic or social need with particular attention to low-income individuals. Based on limited resources, we are able to evaluate some cases and provide advice or brief services, but are unable to handle all legal matters. In cases in which we determine we are unable to handle the matter, we provide the applicant the name and number of the Florida Bar Referral Services, in addition to the advice or brief service that is provided.

Guardianships

In cases in which LSNF represents persons seeking guardianships, the person requesting the guardianship shall be requested to provide the name of a friend or relative to be named as resident agent (and should name someone other than the guardian). In cases involving guardianships of property, in no case should LSNF or an attorney or other employee of LSNF be named as resident agent. In cases involving guardianships of the person, where exceptional circumstances arise in which time is of the essence, an attorney or employee of LSNF may be named as resident agent.

Pursuant to Rule 5.030, Rule of Probate and Guardianship, staff attorneys will enter limited notices of appearance in guardianship proceedings.

Cases arising in the Second Judicial Circuit shall be handled in the following manner. The individual seeking to have an adult declared incapacitated shall be referred to a pro bono attorney through the PAI program. The attorney accepting the referral shall be instructed to have a LSNF staff member appointed attorney for the ward. No duplicate file will be maintained of the referral by LSNF and no advice will be available by LSNF staff to the pro bono attorney. The LSNF attorney shall serve the petition as required in the standard order of appointment, attend the hearing, and file an appropriate motion for fees pursuant to the contract between LSNF and Leon County which administers the fund from which fees are paid.

Wills

If a will is prepared on behalf of an applicant who is too ill to come to the office to sign it, staff will make accommodations to take the will (and arrange for appropriate witnesses) to the applicant for signature. If an applicant is able, but unwilling to come to the office to sign a will, the original should be retained and the file closed. (If a preliminary draft is sent to the client for review, it should be marked "draft" or "copy".)

Bankruptcies

Bankruptcies will be accepted for representation only when (1) clients are at risk of losing their homes due to foreclosure or (2) significant debt has been incurred as a result of medical costs or debt incurred to maintain children.

As a general rule all fees for application expenses and filing should be collected prior to preparing a bankruptcy petition.

Appeals

LSNF will not undertake representation in an appeal of a matter in which LSNF did not represent the client in the initial proceeding. (An exception may be made by the director of litigation in a situation in which the appeal is based strictly on a legal issue in which appropriate pleadings were prepared below or where LSNF is requested to co-counsel the case.)

Fee Generating Cases

Clients with cases that reasonably may be expected to result in fees (except social security cases) may not be represented by LSNF unless the case is one that private attorneys do not accept without prepayment of a fee, or has been rejected by two private attorneys. If a client requests advice on available attorneys, the client will be given the Florida Bar Referral Service number.

Withdrawals in Dissolution Cases

If contact is lost with clients in dissolution cases in which no counterclaim has been filed, the client should be sent a letter advising him/her that failure to respond within a specified period of time will result in a voluntary dismissal of the case.

Case Information Disclosure-45 C.F.R. Part 1644

The Legal Services Corporation requires each program to submit a Case Information Disclosure report. This report provides information regarding the court cases initiated by each program, the circuit/county court and address in which the case was filed, the plaintiff (if disclosure does not endanger client), the plaintiff's address, the type of case, the opposing party's name and address, and the date of filing. The program statistician prepares the report and submits it to the LSC semiannually.

For grants that serve clients under legislation such as the Violence Against Women Act (VAWA) or Victims of Crime Act (VOCA), there is a greater likelihood that disclosure would put a client at risk of physical harm and the program makes exception to reporting their information under §1644.4(a)(1)(ii) liberally. However, because such a risk is not a certainty, the determination must be made on a case-by-case basis by the attorney providing representation.

Recording Information

Upon filing of an initial pleading, the lead secretary retains a copy of the executed pleading in a central location (and a copy is maintained in the client file). The requested information is recorded on the WNYLC Timekeeping System under the CSR of the client's file. If the attorney providing representation determines that disclosure would lead to a risk of physical harm to the client or a relative of the client, the client's name and address are withheld.

Rejected Cases

The Legal Services Corporation does not permit the program to report certain cases on the LSC CSR. Those cases are: Case Restrictions, Outside Priorities, Not in Service Area, Conflict of Interest Financially Ineligible, and Asset Ineligible. The status of these cases is recorded as "REJECTED-__," under the Case Status of the client's file.

- CASE RESTRICTION: Cases strictly prohibited by LSC (i.e., representing incarcerated individuals, etc.).
CODE: Rejected-CaseRestri
- OUTSIDE PRIORITIES: Cases that do not fall within the priorities established by the Board of Directors.
CODE: Rejected-OutPrior
- NOT IN SERVICE AREA: Cases of clients whose address is outside the 14-county coverage area who have not been formally referred by the program in their service area.
CODE: Rejected-NotSerArea
- FINANCIALLY INELIGIBLE: Cases where client's income does not fit within the first tier (125% poverty level) or second tier (187% poverty level) of the income guidelines prescribed by LSC.
CODE: Rejected-Fin.Ineli.
- ASSET INELIGIBLE: Cases where client's asset limit exceeds the asset guidelines adopted by LSNF.
CODE: Rejected-AssetIneli.
- CONFLICT OF INTEREST: Cases where LSNF represents or represented the adverse party.
CODE: Rejected-ConInter

These cases are not reported to the Legal Services Corporation. Additionally, referrals cannot be counted when the only form of assistance is the referral-i.e., to be reported, the client must be given direct legal advice or legal representation in addition to the referral in which case the more appropriate coding would be the advice or brief service.

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