

APPENDIX A

LEGAL WORK MINIMUM STANDARDS

Introduction

These standards were originally developed for use by legal work monitors. Legal work monitoring teams were assigned to visit each office to review and assess the legal work of attorneys and paralegals. The standards were used as guidelines to establish "minimum" expectations.

The legal work minimum standards are still used to assess the work of the legal staff. Due to the high quality of work of Georgia Legal Services, legal workers are expected to perform at a higher level than that set forth by the minimum standards.

LEGAL WORK MINIMUM STANDARDS
(Established 10/1/83)

Group I

- A. Signed, dated retainer agreement specifying work to be done, authority to act, and client responsibility.
- B. File material in order mandated by regional office or, if none mandated, material ordered and accessible.
- C. Opening memo summarizing client goals, facts, and required investigation of law and fact.
- D. Fully dated (including year), chronological note system recording factual investigation and ongoing narrative notes.
- E. Records of client communication recording client goals, status reports, advise to client, settlement approval and case closing and/or transfer.
- F. Closing memo summarizing reason for closing.
- G. Communication of case closing to client, summarizing status and inviting client to contact advocate if any questions arise concerning the case.
- H. Client papers, documents and evidence are segregated during case handling and returned to client upon case closing.
- I. Statement of time limitation, e.g., statutes of limitations, required response dates, hearing dates, etc.
- J. Planned strategy for proceeding at various case stages recorded in file.
- K. Legal research indicated to support activity commenced on behalf of the client.
- L. Written work product (excluding notes to self) is neat and uses correct spelling, grammar, syntax and punctuation.

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Group II

- A. Follow-up and confirming letters sent where appropriate.
- B. Written work product has expression appropriate to the reader and to the message to be conveyed.
- C. Legal research sufficient to assess and prosecute client claims, with documentation which is appropriate to the nature and complexity of the case and sufficient to allow effective advocacy by substitute counsel in emergency situations.
- D. Timely, meaningful client communication.
- E. Pleadings, briefs and correspondence sufficient to assert claims adequately.
- F. Advice to client is appropriate in light of law, facts and circumstances.
- G. Negotiations and settlements are appropriate in light of law, facts and circumstances.
- H. Sufficient attention is paid to ethical constraints.
- I. Program & LSC rules are complied with, especially notice and approval requirements regarding class actions, federal actions and appeals.
- J. Aggressiveness in case handling:
 - 1. Cases are prosecuted aggressively when necessary in order to avoid forfeiture of client goals
 - 2. Cases are prosecuted aggressively when appropriate in light of client goals.
 - 3. Cases are moved expeditiously toward closure unless inconsistent with client goals, and taking into account an advocate's workload.
- K. Files are held open only for a specific and identified purpose.
- L. Preparation is adequate regarding depositions, negotiations, hearings and trials.

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Group III

- A. A calendar system is used on an individual and/or office-wide basis to prevent errors and omissions.
- B. A "tickler" system is used and is visible and comprehensible to an outsider.
- C. A list of open cases by individual handler is maintained and/or is readily retrievable by that individual and another.
- D. Caseload is appropriate in light of:
 - 1. Case types within the individual's caseload.
 - 2. Other responsibilities of the individual.
 - 3. Skill/experience level of the individual.
 - 4. Supervision available.
 - 5. Preventing malpractice.
 - 6. Full workload.
- E. Office legal work systems facilitate individual's ability to perform competently.
- F. All argued appeals (except to trial level courts) are moot-courted prior to hearing.
- G. At least every first deposition, first hearing and first trial is attended by a more experienced staff member who is prepared to assist.

Clarifications to Standards I. - D, I. - L, & II. - L
(Items 16 and 19 Checklist)

A planned strategy, strategy changes and adequate preparation for negotiations, hearings, depositions and trials should be documented in the file. There is an expectation that the legal worker will make a thorough investigation of the facts, whether by formal or informal means. Certainly the legal worker will consider the appropriateness of discovery in litigated cases and be sure that the file reflects that decision and any strategic considerations. The opening memo is the beginning point for preliminary analysis and strategy. Additional factual investigation and analysis most often affects strategy, and such developments and changes should be outlined in updates. Preparation for negotiations, hearings, etc., may easily be shown by outlines or references, for example, to a trial notebook. Attention to these standards is likely to result in quality work and once again may allow effective advocacy by substitute counsel when necessary.

**Clarification to Standards I. - L, II. - C
Research (Items 12 and 13 Checklist)**

Documentation of research requires that every file should include, at a minimum, citations to leading cases, governing statutes and regulations. When the issues, research, and analysis of a particular case are related to that of other pending or closed cases, research may be documented by reference to a clearly identified and retrievable master research file. If research memos or notes are removed from the file at the time of closing, the file should also indicate where the research can be found after closing.

References to legal authority on which to rely should be so clearly expressed that a substitute legal worker will be able to handle the case effectively in emergency situations or with reasonable efficiency and without needless duplication of effort if it becomes necessary to transfer the case.