



VOLUNTEER MANUAL



VOLUNTEER WITH US

The Volunteer Lawyers Project of CNY is a pro bono CLE provider. Volunteers staff legal clinics and, in some instances, provide ongoing representation to clients.

WHO WE SERVE

Clients who receive service from our agency are low-income community members seeking support in matters affecting the essentials of life, such as housing, family and income maintenance.



**PROVIDING ACCESS TO JUSTICE THROUGH
ENGAGING THE LEGAL COMMUNITY IN
VOLUNTEER SERVICE TO THOSE IN NEED.**

Volunteer Lawyers Project of CNY, Inc.
221 South Warren Street, Suite 200, Syracuse, NY 13202
www.vlpcny.org

VOLUNTEER AGREEMENTS

At the Volunteer Lawyers Project, we believe that everyone deserves excellent legal service. As volunteers, we agree to:

- Respect the client's lived experience and past and present decisions.
- Acknowledge the deeper roots of the individual problems our clients face.
- Treat the client with dignity.
- Prioritize the commitment to represent our clients (as if they were a paid client).

As such, we agree to:

- Greet the client with warmth.
- Use body language that indicates your attention and care. Some suggestions include:
 - Offer eye contact and face client when speaking to them.
 - Offer to shake client's hand or offer a welcoming gesture .
- Use an interpreter when needed. Avoid using relatives as interpreters.
- Use the client's correct pronouns (*he, she, they*) when referring to them. If unsure, ask.
- Directly answer the client's questions. If you do not have the answer to a question, offer to find out the answer. Use the reference materials and request support or technical assistance when needed.
- Display patience when speaking with the client, avoid rushing them or interrupting them abruptly.
- Take the client's concerns seriously. In seeking more information, use open ended questions such as: "Could you tell me more about _____?"
- Affirm the client's sharing information with you. E.g. "Thank you for sharing that with me."
- Avoid making comments on the client's experience that reflect a value judgment.
 - E.g. Do not say "Why did you do that? That doesn't make sense." If you are experiencing confusion about what the client is telling you, try repeating what you understand and ask them to clarify. E.g. "I want to better understand what you're saying. I'm hearing you say _____. Does that sound right to you?"

- Avoid blaming, shaming or attacking the client.
- Respond with care if the client expresses frustration and difficulty.
 - E.g. If the client is expressing that a situation is frustrating, say “That sounds really challenging.”
- Follow through on all commitments made to the client. Avoid making commitments you’re unable to follow through on.
- Make sure the client understands the process and outcome. Make sure that the client agrees to statements and strategies before using in court/representing them.

As a volunteer, here are the expectations of your role:

- Attend trainings/CLE to stay informed of community needs.
- If I need to cancel, I will give at least 48 hours’ notice and a replacement alternative (if possible).
- Fill in intakes with complete information and return within a week.
- Return calls and emails promptly.

What volunteers can expect from the Volunteer Lawyers Project:

- CLE credit, reporting
- Malpractice insurance
- Hands on experience
- Training/support
- Gratitude!

The Volunteer Lawyers Project of CNY, Inc. is a 501(c)(3) non-profit organization that provides free legal information, assistance, and representation in civil legal matters to low-income people. Services are provided by volunteer attorneys with the help of law students and are supervised by a small staff.

I. Client Eligibility Standards

The Volunteer Lawyers Project provides representation to clients whose financial resources fall within the project's eligibility guidelines. The general standard for income eligibility is gross family income (including income of all resident family members) equal to or less than 200% of the federal poverty index.

The Volunteer Lawyers Project does not accept fee-generating cases, either contingent fee matters or matters where a statutory fee is available, such as workers compensation or certain Social Security Disability cases. Our agency will provide a copy of the agency's complete income eligibility guidelines to any attorney upon request.

II. Screening and Case Preparation

For all drop-in clinics, clients are screened for financial eligibility at the time they arrive to the clinic by either a volunteer law student, volunteer paralegal or the volunteer attorney. If the client is financially eligible and the case falls within one of the categories within which the Volunteer Lawyers Project practices, the client is then provided with limited-representation service on the spot. This representation terminates that day. All clients sign a limited representation agreement at the beginning of the clinic.

With cases that are placed for full representation, the Volunteer Lawyers Project conducts a screening of the client. All cases are reviewed by our staff who ultimately decide whether the case is one that the agency will handle. This decision is based on a number of factors, including case merit, the amount of time that will be required relative to what the client seeks to achieve, and the urgency of the legal problem.

The Volunteer Lawyers Project staff performs a preliminary analysis of a case before referring it to a volunteer attorney. For example, when court documents have already been filed, our agency gathers these documents before sending the case on to the volunteer. When possible, the Volunteer Lawyers Project will provide relevant model pleadings and memoranda or material from practice manuals or other reference sources that our agency maintains.

III. Retainer Agreement

For cases involving ongoing legal representation, the Volunteer Lawyers Project's retainer agreement communicates to clients that the volunteer attorney can only provide limited representation in the specific legal matter for which the client has requested assistance. The retainer also states the volunteer attorney has no obligation to take a case on appeal if the initial representation is unsuccessful. All volunteer attorneys accepting cases from the Volunteer Lawyers Project are strongly encouraged to execute this retainer with the client during their first meeting. The retainer is attached to the end of this manual. An example of one of our intake forms including a limited scope acknowledgement is also attached.

IV. Referral Procedure

In almost all instances, the Volunteer Lawyers Project will refer a case to a volunteer lawyer only when the volunteer attorney has stated a preference to assist in that type of matter. A volunteer may decline a referral if it is an inconvenient time to take a case, if the matter appears too complex, or for any other reason.

When a lawyer accepts a case, our agency connects the client to the lawyer. The client letter instructs the client to contact the lawyer directly for an appointment. Usually this is done via email or letter to both the client and attorney.

V. Services Available to Volunteer Attorneys

A. Professional Liability Insurance

All work performed by volunteer attorneys on cases screened by the Volunteer Lawyers Project is covered by the agency's professional liability insurance. A copy of the agency's professional liability is available upon request.

B. Mentoring & Technical Assistance

The Volunteer Lawyers Project has resources available to attorneys who are handling cases outside of their regular areas of practice. Experienced volunteer attorneys and in some cases, attorneys from local legal services agencies are available to consult with volunteers when they have questions. Mentoring services range from telephone consultation on law and strategy to review of pleadings and even co-counseling on specific cases.

C. Written Materials

The Volunteer Lawyers Project has materials from past CLE trainings on substantive law that are available to any volunteer attorney. If an attorney needs additional materials, our agency will work to help the attorney obtain any materials necessary.

D. Training

The Volunteer Lawyers Project offers regular seminars throughout the year in substantive areas in which clients need legal assistance. These seminars are offered at no cost to volunteers. The Volunteer Lawyers Project partners with the Onondaga County Bar Association, who is an accredited provider of New York mandatory continuing legal education, so most trainings offer MCLE credit.

E. Troubleshooting

If any difficulty or unusual occurrence arises during volunteer work, staff stands ready to assist the volunteer in any way possible. If, for example, the volunteer needs assistance with further investigation on the case, service of process, obtaining additional services for the client or other matters, staff will assist whenever possible with those matters.

F. Costs

Clients are expected to cover all costs associated with litigating their cases. The Civil Practice Law and Rules permit clients of legal services or pro bono programs to acquire poor person status without the necessity of a motion to court. Pursuant to the statute, the Volunteer Lawyers Project will prepare a form certifying that a client has been determined to be eligible for free legal services. With this certification, the Onondaga County Clerk will issue an index number and Request for Judicial Intervention for no fee. It may also be possible to get free service of process with the certification. Please call the Volunteer Lawyers Project office for information on that procedure.

G. Policy on Attorney Fees

We screens all cases carefully and send cases that appear to be fee-generating to the Lawyer Referral Service of the Onondaga County Bar Association or other appropriate private referral. Periodically, however, attorney's fees may be available in a case accepted on a pro bono basis. This situation arises when the Lawyer Referral Service is unable to match the client with a lawyer willing to take the case on a contingency basis or where circumstances develop during the course of the case that generate fees. It is the policy of the Volunteer Lawyers Project that if fees are available in a case, the attorney may take those fees. This includes fees available from the opposing party (e.g., attorney's fee awarded in a matrimonial case or a Section 1988 fee in a federal court case), Equal Access to Justice awards or an award coming from the client's recovery (e.g., from a lump sum in an SSD case).

H. Language Access

The Volunteer Lawyers Project is committed to providing the same high quality legal services to everyone who seeks assistance from the program, regardless of the language they speak. Our agency maintains a service relationship with several local providers. In person interpretation allows for better communication, assistance with reading forms and petitions, etc. therefore is preferable. When necessary, a translation service is available via telephone. Phone numbers to access this service are available in the materials box at each clinic. More information is available upon request.

VI. Pro Bono Opportunities

The Volunteer Lawyers Project assists clients in a wide variety of substantive areas, in a number of different judicial and administrative forums and with non-litigation as well as litigation matters. In addition to direct one-on-one representation of clients, our agency offers clinics through which volunteers can provide advice and immediate brief assistance to low income clients in the community at in-court clinics.

Our clinics and programs include *(descriptions of each clinic available upon request):*

Eviction Defense	Talk to a Lawyer	Not for Profit & Small Business
Pro Se Divorce	Veteran Legal Services	Reentry
Family Court	Q Law (LGBTQ Issues)	Unemployment Insurance
Hospital Legal Clinic	Estate Planning	Consumer Law
Surrogate's Court	Immigration	