



Neighborhood Legal Services
of Los Angeles County

Changing Lives and Transforming Communities Since 1965

NEIGHBORHOOD LEGAL SERVICES OF LOS ANGELES COUNTY PRIVATE ATTORNEY INVOLVEMENT (PAI) PLAN AND POLICIES

I. Introduction

Neighborhood Legal Services of Los Angeles County (NLSLA) has provided justice to Los Angeles' impoverished neighborhoods since 1965. Each year, NLSLA provides free legal assistance to more than 80,000 individuals and families through innovative projects that expand access to justice and address the most critical needs of Los Angeles' poverty communities.

NLSLA is a full service, multi-lingual, non-profit regional law firm that utilizes a wide array of legal tools to carry out this mission including; litigation, policy advocacy and legislation, brief service, advice and counsel, and community education. The program's mission is to (1) reduce the effects of poverty in Los Angeles' low-income communities; (2) develop opportunities for individuals and families to move themselves and their families out of poverty; and (3) protect and enforce the legal rights of the poor by ensuring access to our justice system.

NLSLA's offices in El Monte, Pacoima and Glendale extend their reach to areas across Los Angeles County. NLSLA's programs and services are accessible through a number of channels: Toll-free hotlines, Self Help Centers, multiple walk-in clinics, and Medical Legal Community Partnerships that place lawyers at health centers in South Los Angeles, Sun Valley and Boyle Heights. NLSLA's work, designed to meet the unique needs of each community, has resonated nationally as a model for effective legal services.

NLSLA's primary legal services delivery model is through program staff. With over 100 staff, including 40+ lawyers, NLSLA attempts to combat the poverty rate in Los Angeles County. To augment and expand the level of services provided to the client community, NLSLA utilizes pro bono attorneys and other volunteers. NLSLA actively recruits, trains, mentors and co-counsels with pro bono attorneys to assist them with the challenging issues that arise from the practice of poverty law. By taking cases, providing special expertise, participating in clinics, and handling other pro bono matters, pro bono attorneys have proven to be an effective and efficient means of ensuring greater access to justice to low-income families.

II. Goals

The goal of NLSLA's PAI Plan is to encourage, facilitate and secure partnerships with the private bar to assist in the delivery of legal services to the low-income residents of Los Angeles County. NLSLA seeks to involve pro bono attorneys in the delivery of legal services to clients in a manner that most effectively and efficiently leverages volunteer attorney resources to provide the broadest range of assistance to clients in concert with NLSLA existing staff

resources. This leverage will increase and maximize the services available to the client community.

To meet the goal of increasing private attorney involvement, NLSLA will continue to develop a variety of PAI projects designed to address diverse client needs that simultaneously appeal to the wide range of private bar interests in the LA area. This program-oriented approach will focus our private attorney efforts on areas of practice rather than any individual type of case. This approach and the programs contained in this PAI plan are not static and are expected to evolve over time as NLSLA strives to meet the challenges facing its growing client base.

NLSLA will also continue to recruit and utilize other volunteer resources such as law students, new law graduates, deferred associates and fellows. Recently, NLSLA has increased the use of these valuable pro bono resources, and hopes that LSC modifies its PAI rules to allow such activity to be counted under the LSC PAI rules.

NLSLA's PAI Plan recognizes that pro bono attorneys have a variety of (1) skills that can be utilized to assist clients, (2) various time constraints that often stem from the nature of their practice (e.g., solo practitioner, corporate, government, small or large firm), (3) preferences of pro bono assignments (e.g. housing but not family law; limited scope cases but not clinics), and (4) training and support needs. An important role of the Board of Directors' PAI Committee is to consult with significant segments of the client community, private attorneys, bar associations, and the courts to identify gaps in services that can be effectively and efficiently addressed through pro bono partnerships and involvement with the private bar. The Pro Bono Director's role is to match each pro bono attorney to the right pro bono opportunity, taking into account the attorneys' skills, time limitations, and preference of assignment.

Similarly, NLSLA recognizes that clients need diverse types of legal help from pro bono lawyers – ranging from litigation, counseling, information, and coaching, to informal support. Legal assistance can be provided in variety of forums and contexts. All are appropriate PAI activities as long as the volunteer tasks supplement work normally done by NLSLA staff, thereby expanding the overall capacity of the program to deliver legal services to the community.

Finally, and most importantly, this PAI plan is driven by NLSLA's commitment to excellence, which ensures that NLSLA clients receive the same high quality legal assistance from staff and pro bono lawyers. To maintain that excellence, NLSLA understands that providing effective assistance to clients through PAI projects also requires establishing a supportive structure for coordination, delivery of the services and regular oversight by NLSLA staff.

III. Program Resources and Infrastructure

In 2012, NLSLA's Leadership Team created five overarching goals for the program, which included an improved PAI program. In September 2012, NLSLA hired a full-time Pro Bono Director to oversee PAI operations. The Pro Bono Director is responsible for establishing long-range goals, strategies, plans and policies to further NLSLA's PAI initiatives. She tracks

national and local trends and best practices as they relate to pro bono and access to justice. The Pro Bono Director is also responsible for recruiting volunteers, directing the placement of pro bono cases, developing pro bono recruitment and training materials, as well as managing a wide range of volunteer projects. As NLSLA's ambassador to the pro bono community, the Pro Bono Director develops partnership opportunities with law firms and in-house law departments, law schools, colleges, bar associations and the judiciary.

The Pro Bono Director also manages another important volunteer resource: law students and fellows. The Pro Bono Director serves as resource to staff on volunteer-related issues with all of the volunteers – private attorneys, law students and fellows alike and assists with staff-volunteer relationships as needed, including managing complaints that arise between staff and volunteers.

In addition to the Pro Bono Director, advocates across the program are expected to devote a significant portion of their time to PAI work, such as screening applicants, referring cases for pro bono, conducting trainings, providing technical support and mentorship, assisting in clinics, recognizing the work of our volunteers, and creating new opportunities for pro bono services. The PAI Program also has a part-time Volunteer Coordinator who assists in recruiting volunteers and placing them in various clinics. Working together, the PAI team provides the infrastructure, support and resources needed to carry out an effective PAI program.

The Leadership Team regular meetings provide a forum for discussing new PAI project ideas, troubleshooting issues, and evaluating the success of PAI projects. In addition to Leadership Team meetings, the Pro Bono Director attends case review meetings to help ensure that PAI systems and protocols are operating effectively and consistent throughout the program. These meetings provide an opportunity to field questions, encourage office-wide PAI participation, identify pro bono opportunities, and create or adjust projects to better meet client needs.

IV. Legal Needs of the Community

In 2007, NLSLA's Board of Directors completed its most recent client needs assessment and set program priorities. The needs assessment showed that access to health resources, safety from violence, family stability and secure housing were top needs in the community. Access to justice and economic security have been and remain overarching needs for our client communities. Based on client needs and staff resources, NLSLA is shifting its service delivery model to a holistic delivery model that includes a ramped-up pro bono component.

Based on the staff's experience applying the program priorities, NLSLA has re-structured its advocacy into four broad categories: (1) health, (2) housing, (3) access to justice, and (4) economic security. The goal is to use cross-teams of advocates to better serve clients with multiple legal issues, through a more robust, holistic intake system, improved use of technology to track case results and outcomes, and better communications and teamwork at the leadership level to identify emerging trends that inform impact litigation and policy goals.

In order to better serve clients during a time of increased need, NLSLA will continue to augment NLSLA advocates' work by utilizing pro bono attorneys to take whole cases or portions of cases

(i.e. research, limited scope representation etc.), participate in clinics, or assist in other matters relating to serving the poor, working poor and the underemployed poor.

V. Recruitment of Volunteers

NLSLA recruits its volunteers in a variety of different ways. The Executive Director, Deputy Director, Pro Bono Director, Development Associate, and legal staff regularly attend local bar events and other legal events as part of an informal recruitment process. The Pro Bono Director also attends law firm mixers, special recognition events, and regional pro bono fairs in an attempt to recruit new PAI volunteers.

Based on the premise that successful recruitment is built upon relationships, the Pro Bono Director continuously establishes relationships with Los Angeles law firms. She works with firm pro bono partners to place cases and recruit associates for PAI assignments. She also recruits from small firms, solo practitioners and in-house legal departments.

NLSLA advocates offer free MCLE trainings as a way to incentivize law firms and other private attorneys to take pro bono cases. Additionally, the Pro Bono Director collaborates with other local legal services providers to jointly recruit, train, and recognize pro bono attorneys.

Finally, NLSLA recruits volunteers through its website. Attorneys interested in volunteering can read about pro bono opportunities and fill out a volunteer application online, which gets routed directly to the Pro Bono Director. As soon as the volunteer application is received, the Pro Bono Director communicates with the attorney to discuss various pro bono opportunities, time commitments and trainings, and to answer any questions.

VI. PAI Opportunities

A. Types of Pro Bono Engagements

NLSLA provides pro bono opportunities in all of the substantive legal areas that impact the poor: housing, immigration, family law, workers' rights, consumer law, public benefits, health law, and general access to justice. The following opportunities are available for pro bono attorneys:

- Direct Representation: Clients are referred to volunteer attorneys who represent individuals at no charge to the client or to the program. Volunteer attorneys take cases in full scope or limited scope depending on the nature of the issue. NLSLA provides technical support and training.
- Co-counseling: Working directly with NLSLA attorneys, volunteer attorneys can co-counsel on cases. Co-counseling is a popular option for larger cases, in which legal tasks or portions of the case are delineated between the attorneys.
- Volunteering with an Advocacy Group: NLSLA offers volunteer attorneys the opportunity to volunteer within its offices. Under the supervision of NLSLA attorneys,

volunteer attorneys have the opportunity to work on cases at different junctures, including: interviewing clients, participating in case reviews, obtaining evidence and arranging records, preparing clients for hearings and trials, writing briefs and other legal memoranda, representing individuals at hearings, and conducting community education.

- Volunteering for Clinics: Volunteer attorneys can participate in NLSLA's multiple legal clinics and Self Help Centers. At the clinics, volunteer attorneys conduct initial interviews with litigants and potential clients. Under the guidance of a supervising attorney, volunteers help triage cases and determine whether a potential client presents a case with actual legal merit, and then decide whether simple advice and counseling would be sufficient, or refer the case for full representation by a staff advocate or another volunteer attorney. See section VI(B) below for a list of clinics and Self Help Centers.
- Presenting at Pro Se Clinics and Classes: Volunteer attorneys provide information on completing pleadings, filing a case pro se, the judicial process, and representing oneself in court. Clinics provide one-on-one advice and support to a small group of clients; classes reach a larger group, and do not generally include individual advice or representation.

B. Self-Help Centers and Clinics

Both attorney and non-attorney volunteers work at the four courthouse-based Self-Help Centers (Van Nuys, Pomona, Antelope Valley, and San Fernando) operated by NLSLA. The availability of lawyers to oversee the Center's work is critical to their success. Self-Help Centers are an attractive opportunity for lawyers in outlying communities and for those who can make a regular time commitment without taking on longer term individual cases.¹ Other clinic-type opportunities for volunteers include:

- Domestic Abuse Self-Help (DASH): The DASH program is also operated on a self-help model and focuses on helping domestic violence victims obtain temporary restraining orders. Volunteer lawyers are also important to the program's success and necessary to review court petitions. DASH clinics operate at the Van Nuys, Antelope Valley, San Fernando and Pomona courthouses.
- Workers Rights Clinics: NLSLA operates these walk-in clinics weekly at the three NLSLA offices. These clinics focus on helping people with wage claims and analyzing other employment related issues, and often attract a wide variety of very low-income monolingual immigrants. Because of their evening hours, language access needs, and impact on families, these clinics offer a very attractive opportunity for private attorney

¹ NLSLA acknowledges that the Self-Help Centers, as currently operated, do not make an individual determination of LSC eligibility for each person who seeks assistance from the Center and therefore are not included in NLSLA's calculations for compliance with the PAI 12.5% rule. Nevertheless, NLSLA believes that the Self-Help Centers serve as a valuable pro bono opportunity for private attorneys and should be considered as part of the NLSLA Private Attorney Involvement project.

volunteers. Through the clinics, pro bono attorneys often sign on to take cases or co-counsel on more substantive cases with NLSLA attorneys.

- Medical Legal Community Partnerships (MLCP): NLSLA's MLCP programs are located at community-based health centers in South Los Angeles and Sun Valley. The PAI opportunities at the health clinics differ from those at other NLSLA walk-in legal clinics. MLCP projects focus on improving the health of poor families by addressing the societal and environmental determinants of health that often are at the root of their health problems. Pro bono attorneys can participate in the MLCP clinics and provide representation in variety of areas of law. They also work with NLSLA advocates and clinic doctors to create appropriate legal interventions on a case-by-case basis.
- Foreclosure Clinic: This clinic, located in NLSLA's Pacoima office, assists low-income homeowners with the foreclosure process. Pro bono attorneys can participate in educating the homeowners about their options, assist in preparing paperwork or help negotiate with banks.
- Eviction Assistance Center (EAC): The EAC, located at the Stanley Mosk Court in downtown Los Angeles, is part of the Shriver Los Angeles Project, a collaboration of four organizations (NLSLA, Legal Aid Foundation of Los Angeles, Public Counsel, and Inner City Law Center) to provide legal representation and other assistance to the 15,000 people facing eviction in some of Los Angeles' poorest neighborhoods. Volunteers can assist low-income tenants with the unlawful detainer process and help prepare Answers. Volunteers can also help screen litigants for full scope and limited scope representation for pro bono placement.
- Debt Answer Clinic: NLSLA provides a weekly consumer debt answer clinic that is currently located in the Pasadena Courthouse. In 2014, the answer clinic is moving to the Chatsworth Courthouse, a debt collection "hub" for the Los Angeles Superior Courts. In addition, NLSLA is launching a "hearing prep" workshop that will run every other Friday at the same location. That clinic will be designed primarily to assist litigants who have filed claims of exemption, which allow debtors to request need-based protection from wage garnishment or bank levy even when issued pursuant to valid debts. This workshop will be modeled off of "trial prep" workshops that are offered in eviction cases. Volunteers can assist with the answer clinic and hearing preparation workshop.
- Bankruptcy Self-Help Desk: Located at the Woodland Hills Bankruptcy Courthouse, the self-help desk is available for unrepresented impoverished individuals considering filing bankruptcy petitions. Pro bono bankruptcy lawyers conduct regular presentations that explain how and when to file for bankruptcy and answer basic questions.
- Bar Associations Monthly Clinics: NLSLA participates in a monthly San Gabriel Valley walk-in clinic run by the Southern California Chinese Lawyers Association (SCCLA) that provides basic advice, counseling and referrals.

VII. Procedures for PAI Cases

A. Intake and Screening

NLSLA has been moving to a coordinated intake model. Coordinated intake has been designed to screen every client for multiple issues. It also incorporates pro bono screening. NLSLA is developing the technology and innovative case management system to back up centralized intake. A coordinated intake system coupled with innovative technology will enable NLSLA to better steer pro bono cases, develop comprehensive case plans, and track cases at important intervals.

In order to be considered for PAI, cases and matters must meet the following criteria:

1. The client's household income must fall within the income eligibility guidelines established by NLSLA, pursuant to LSC rules;
2. The client must be otherwise LSC eligible and provide the proper LSC eligibility documentation, which includes a signed intake, retainer, proof of address, income, and alien eligibility;
3. The case or matter for which PAI is sought must be within Los Angeles County (i.e. the applicant or hearing must be within Los Angeles County);
4. The case or matter for which PAI is sought must fall within NLSLA's priority areas; and
5. Conflicts must be cleared.

NLSLA currently screens all PAI clients for LSC eligibility and ensures that all cases are consistent with NLSLA's substantive priorities. Individuals are screened for LSC eligibility at individual assistance clinics (with the exception of the Self-Help Centers) to ensure that only services to LSC eligible clients are considered in calculating the LSC PAI costs associated with those clinics. The only exception is the Bankruptcy Clinic which provides community legal education by pro bono bankruptcy lawyers, not individual legal assistance. Thus, no individual eligibility determination is required in that context.

B. Case Placement

Once a case has been screened by the intake unit or clinic, the advocate will make a referral to the Pro Bono Director for pro bono placement. The advocate will complete a referral sheet that contains essential client facts (including a determination of client eligibility), and a case summary. The Pro Bono Director and the referring NLSLA advocate will discuss the best course of action for the case (e.g. co-counsel with private attorney, refer case to private attorney, keep case in-house, etc.) and which NLSLA attorney advocate should be paired up with the pro bono attorney to provide technical assistance and support.

Subsequently, the Pro Bono Director will attempt to place the case with a private attorney. Considerations for pro bono placement will include suitability for referral, a private attorney's

skill level, and client considerations (e.g. disability, special circumstance, etc.). Where possible, cases will be assigned to private attorneys who speak the client's preferred language. In the alternative, NLSLA may use program staff as interpreters, or Language Line services.

Depending on the potential private attorney identified, the Pro Bono Director will use the proper protocol to make "the ask." For example, many large firms expect that pro bono requests go through their pro bono manager. The Pro Bono Director will provide the private attorney or firm with the client's name and name of any adverse parties for a conflicts check. Before accepting a case for direct representation, the private attorney will be responsible for ensuring that no conflict exists between the attorney and the client and/or the firm and the client.

C. Case Instructions

Once the case has been placed with a private attorney, the Pro Bono Director will inform both the client and the attorney in writing. The client letter will instruct the client to call the attorney for an appointment and set forth other requirements of the program. The Pro Bono Director will send the private attorney a referral packet containing an attorney letter with the contact information of the mentor attorney, the intake form containing information about the client and the case, relevant documents and form pleadings. This packet will also contain forms to track the case: Case Status Form, Case Closing Form, and Private Attorney Timekeeping Form.

D. Retainer Agreements and Co-Counseling Agreements

PAI case files will contain a copy of the retainer agreement between the client and NLSLA and between the client and the pro bono attorney, or a copy of the co-counseling agreement between NLSLA and the pro bono attorney or law firm. The Pro Bono Director will review all agreements.

E. Case Entry

All PAI cases should be entered into NLSLA's case tracking and time keeping database. Upon acceptance of the case by the Private Attorney, the Pro Bono Director will mark the case as an accepted PAI case in the NLSLA Case Management System (CMS) by entering a PAI start date and noting the private attorneys name and firm in the case notes. The Pro Bono Director will also note whether the case is Co-counsel or Placement. All PAI cases should be managed in the CMS. Advocates should track and record all of their time spent on the case under the case number.

F. Case Monitoring

In order to ensure that each case is properly progressing with the appropriate level of support, the Pro Bono Director will follow up with the private attorney and the NLSLA advocate assigned to the case. NLSLA advocates are expected to keep notes of all communications with the private attorney and/or client in the CMS notes.

NLSLA will generate quarterly reports of PAI cases, which will include case number, client name, PAI start date, private attorney's name, the NLSLA advocate on the case, and notes of recent activity. The NLSLA advocate assigned to the case will track court dates and deadlines for the case, and will keep a duplicate client file.

The Pro Bono Director will conduct case follow up no later than 30 days after the initial opening of the case. If the case is still pending, the Pro Bono Director will request timekeeping records from the private attorney or law firm at regular intervals. The private attorney can opt to provide his or her own timekeeping records instead of using NLSLA's forms.

G. Case Closure

NLSLA's policy is to close cases in a timely manner once the case is completed. The Pro Bono Director will work with the pro bono attorney and NLSLA advocate assigned to the case to obtain a report that includes the total hours spent on the case, the private attorney's hourly rate, and information pertaining to case outcomes. A completed report will be provided to NLSLA's Controller. The NLSLA advocate will close the case in the database to reflect the services provided pursuant to LSC rules. The NLSLA advocate will notify the Pro Bono Director that the case has been closed.

The Pro Bono Director will send a case closure letter to the private attorney thanking him or her for the service. The Pro Bono Director will also send a case closure letter to the client, along with a client PAI survey and a self-addressed stamped envelope. The goal of this survey is for NLSLA to obtain feedback regarding the private attorney's services and overall satisfaction with the PAI program.

H. Timekeeping

NLSLA staff members are expected to keep track of all their time spent recruiting, training, supervising, and mentoring a private attorney who works on a PAI case. As such, NLSLA staff members should bill their time spent on a PAI case to that case number.

PAI activities that are not directly identifiable to a PAI case or a PAI matter may be charged to the "PBM – Pro Bono Matter" activity code. Participation in a local bar event is an example of a pro bono activity that is not directly tied to a case or matter.

I. PAI Expenses

NLSLA is required by LSC to expend approximately \$500,000 per year on pro bono activities. In order to capture and report all PAI expenses, advocates must note the PAI case #, PAI matter # or PAI activity on all expense reimbursements, check requests and advocacy expense forms in addition to recording their time worked on the pro bono case/matter/activity in timekeeping.

When submitting PAI expenses for reimbursement by NLSLA, staff should identify any expense directly related to a PAI case, matter or activity on the appropriate reimbursement form and note

YES for PAI in the PAI column. These expenses include: local travel, parking, document requests, translations, language line, courier fees, delivery fees, trainings, and expert witness fees. When in doubt on whether an expense should be designated as PAI, staff should consult with the Pro Bono Director or the Controller.

VIII. Training and Support

NLSLA strives to ensure that clients receive professional and zealous representation from staff and private attorneys. Additionally, NLSLA wants to provide positive pro bono experiences for its private attorneys. In order to meet both goals, NLSLA offers various types of support services to its private attorneys.

NLSLA advocates conduct trainings in multiple areas of poverty law that are priority areas. These MCLE trainings are offered to private attorneys at no cost if they agree to take a pro bono case or volunteer for a clinic. Past trainings have included family law, domestic violence, workers' rights, U Visa, VAWA, debt collection, disability, health, landlord/tenant, and foreclosures. In addition to formal trainings, NLSLA advocates who are experts in various areas of law provide hands-on mentorship to private attorneys taking cases or volunteering for clinics.

NLSLA offers secondary professional liability insurance to cover private attorneys who provide services on behalf of NLSLA. This policy is provided through the National Legal Aid and Defender Association (NLADA).

Finally, NLSLA provides other resources such as assistance with language interpretation or translation, if needed, and the use of NLSLA offices and research resources.