

PRO BONO PROGRAM REFERRAL PROCEDURES

INTAKE

The basic intake work for the Pro Bono Program is handled by the staff of Iowa Legal Aid and the HELP Regional office. The staff screens individual callers to determine financial eligibility for legal services, and to determine the nature of the legal problem. The financial eligibility guidelines utilized by Iowa Legal Aid are structured to ensure that only individuals from households with very little income and very little property receive a pro bono referral.

REFERRALS

Referrals are made in cases involving a conflict of interest with the HELP office, due to excessive caseloads at the HELP office, and in areas in which HELP staff has little expertise.

A member of the HELP staff reviews the intake form and refers it to an attorney who has indicated a willingness to handle that type of case. The case assignments are made on a rotational basis. Attorney's may decline any case and have full authority over the number of cases they will accept. Both the Pro Bono Program attorney and the client receive a written confirmation of the referral. Generally, no more than one case per year is referred to any attorney unless the attorney requests additional referrals.

SCOPE OF SERVICES

You determine the scope of services which you render to the client.

TECHNICAL ASSISTANCE

With respect to referrals not involving a conflict of interest, the HELP staff is committed to assisting in any way possible with the referral case. Feel free to contact the attorneys at the HELP office for such technical assistance. Referral attorneys may also use the HELP library.

Attorneys can join probono.net/iowa and have access to resources including a library of poverty law materials. Participating attorneys are eligible to attend accredited project sponsored Continuing Legal Education seminars at a reduced rate.

CASE REPORTING

Follow-up of referred cases is necessary in order to assess the accomplishments of the Pro Bono Program, to communicate to the public the private bar's involvement in providing volunteer hours of service to clients, and to enable the program to change, grow and improve.

The referral letter will be followed by an initial case report form, which will inform the HELP office as to whether or not the client has followed through on the referral. Periodic case update forms will be sent to attorneys handling cases extending over lengthy periods of time.

When the case is finally closed, the attorney will be asked to return a final disposition form to the HELP office.

CHANGES IN FINANCIAL ELIGIBILITY

If, during the course of representation, you have reason to believe that a change in the client's financial circumstances renders the client ineligible for legal aid services, or if it becomes apparent that the client failed to disclose assets or income at the time of initial intake, which would make the client ineligible, the attorney should notify the HELP office (or insist that the client do so). HELP's Managing Attorney will review the financial status of the client at the time of any such contact. If the client is not eligible for pro bono services, the client will be advised that s(he) may either negotiate a fee for future services with the present attorney, or that s(he) may hire another attorney. If it is determined that the individual has become ineligible for legal aid services, the attorney can certainly negotiate a satisfactory fee arrangement with the client for subsequent services rendered, or s(he) may choose to terminate the attorney-client relationship consistent with local Court rules and professional and ethical responsibilities.

LEGAL FEES AND COSTS

So long as the individual remains indigent and eligible for legal aid services, there should be no charge for professional services. However, the attorney is free to seek Court-ordered attorney's fees from the opposing party or from public funds, when available by law.

The client is ultimately responsible for payment of such costs as filing fees, service charges, discovery costs, and other actual expenses. You may wish to require a deposit for payment of anticipated costs.*

Low-income clients may be entitled to a waiver of Court-related expenses, such as filing fees, service fees, and transcript costs. The HELP office can provide you with model forms to request waiver of such costs. In addition, the Quad City Times has agreed to waive the cost of publication of legal notices for HELP clients and persons referred under the Pro Bono Project.

- * If you advance costs on behalf of a pro bono client who is simply unable to pay, please contact the Pro Bono Project at HELP in order to apply for reimbursement.

MALPRACTICE COVERAGE

Professional malpractice insurance coverage (\$1,000,000/\$1,000,000) purchased by HELP includes most referrals made under the Pro Bono Program and the attorneys participating therein for claims first made during the policy period and arising solely as a result of a referral by HELP to an attorney participating in the Program or professional services rendered by the attorney in connection with the matter referred. Unfortunately, this coverage does not extend to referrals made due to a conflict of interest.

OTHER BENEFITS

Participation in the Pro Bono Program qualifies attorneys to receive referrals of fee generating divorce and social security cases if the attorney chooses.