



pro·bono

Together, we do the community justice.

PRO BONO VOLUNTEER MANUAL

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Pro Bono Work at Legal Aid of Western Ohio, Inc. (LAWO) Policies & Procedures Manual

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LAWO Background and Information

Mission

Legal Aid of Western Ohio, Inc. (LAWO) provides free, comprehensive legal assistance in civil matters to help eligible low-income individuals and families in western Ohio achieve self-reliance, and equal justice and economic opportunity. LAWO provides a full range of holistic, client-centered services to low-income persons in 32 western Ohio counties in several areas of law, including domestic violence, domestic relations, housing, government benefits, consumer law and bankruptcy, health care, and services to seniors and agricultural workers.

Major Programs

LAWO attorneys and paralegals provide a full range of services to low-income clients, including intake and assessment, investigation, negotiation, administrative and court based litigation, assistance with appeals, and community legal education and outreach. LAWO is affiliated with a partner law firm, Advocates for Basic Legal Equality, Inc. (ABLE). ABLE provides administrative support (finance, human resources, resource development, communications, and technology) services to LAWO while LAWO provides intake, assessment, and referral services to ABLE. LAWO and ABLE provide legal assistance in the same 32 county service area.

In 2019, LAWO and its partner law firm ABLE received 16,736 requests for help from their joint 32-county service area. Of these requests, LAWO and ABLE advocates assisted well over 20,000 people including clients and household members. They obtained more than \$13.6 million in monetary awards for clients, including child support, spousal support, unemployment compensation, supplemental security income, debt write-off, disability assistance, food stamps, and damages. LAWO advocates have a broad range of expertise in the areas of poverty law. Many are experts in the field and often conduct training for other legal aid attorneys at regional and national conferences and training events.

Number and Capacity of Staff

LAWO has a staff of 57 including attorneys, paralegals, and support staff. Staff members are located in offices throughout the service area, including Toledo, Defiance, Sandusky, Findlay, Lima, Springfield, and Dayton.

Pro Bono Program

The Pro Bono Program was created by Legal Aid of Western Ohio, Inc. (LAWO) in 2006 to improve our ability to meet the ever growing and diverse needs of our client communities by involving private attorneys, law students, and paralegals in providing access to justice for

our clients. LAWO's Pro Bono Program, formally known as Private Attorney Involvement, has a director and two part-time paralegals working under the direct supervision of LAWO's Advocacy Director. It covers 25 of the 32 counties in LAWO's service area. LAWO also provides funding for the Volunteer Lawyer's Project (VLP) in Dayton, which covers six counties, and the Toledo Bar Association (TBA) Pro Bono Legal Services Program, which covers Lucas County.

Types of Pro Bono Involvement

Case Placement

The LAWO Pro Bono Program tries to match volunteers with cases in the substantive and geographic areas requested. When an eligible client comes to the pro bono program meeting your criteria, we reach out to you for availability and conflict screening by e-mail, phone, or facsimile.

Upon your approval, we send you and the client a referral packet. The client is instructed to contact you within one week. You determine the level of service you will provide after speaking with the client.

Malpractice coverage is extended only to the case referred. Please contact LAWO pro bono staff if you want to provide additional legal assistance to a client, as further screening is required.

Full Representation

Please have the client sign a representation agreement. A sample is included with the initial referral; however, you may use your own form.

LAWO pro bono staff will check in with you about every 60 days to see how the case is progressing and if you need any additional support.

Complete and return the case closing report to LAWO once the client's case is resolved.

Limited Representation

You may decide to provide advice or limited assistance once you meet with the client.

Please have the client sign a representation agreement. A sample is included with the initial referral; however, you may use your own form.

Complete and return the case closing report to LAWO once you have completed the limited assistance.

Clinic

Batch

Cases are prescreened based on guidelines outlined for the particular batch clinic. LAWO staff prepares all the documents before the clinic. Clients meet with the pro bono attorney at the clinic to review and sign applicable pleadings and forms. LAWO pro bono staff will assist with filing the action. The Court typically schedules all cases assigned to the pro bono attorney for consecutive hearings. The pro bono attorney attends the hearing with the client to finalize the case.

Self Help

Cases are prescreened based on guidelines outlined for the particular self-help clinic. Volunteer attorneys instruct and assist local residents in completing pro se forms.

Counsel & Advice

Cases are prescreened based on guidelines outlined for the particular counsel and advice clinic. Volunteer attorneys provide advice typically regarding housing, consumer debt collection, landlord-tenant, and/or family matters. Attorneys have the opportunity to provide advice from remote locations.

Volunteer Notes From may be used to help document activity 29

Limited Action

Cases are prescreened based on guidelines outlined for the particular clinic. Volunteer attorneys instruct and assist local residents in completing specific forms, i.e. Advanced Directives.

Mentor

New attorneys are often willing to volunteer but are hesitant due to a lack of experience in a substantive area. Mentoring is a great way to provide assistance to a newer attorney and the low-income applicant.

Co-Counseling

Assistance from the private bar is occasionally needed to co-counsel with LAWO on cases involving specialized areas of law not common to income clients. Examples might include business or tax law.

Legal Research & Writing

Providing legal research and writing on case related issues. This can be a time-limited way to volunteer.

Materials Development

Assist LAWO to prepare educational materials directed toward the low-income population. Common topics may include debt collection, garnishment, and student loans.

Common Issues with Pro Bono Litigation

Attorney Signature Block

Attorneys handling cases through LAWO's pro bono program should reference Legal Aid of Western Ohio. Using LAWO's address gives the client future business contact information in the event there are questions or concerns.

Attorney Name, #####
Legal Aid of Western Ohio, Inc. Pro Bono
Attorney Address
Attorney Phone

Court Costs

Court costs and filing fees are often overwhelming obstacles for the impoverished. LAWO is unable to pay the costs for applicants. Applicants are screened for income and eligible expenses and are only referred to pro bono when their household is at or below 200% of the Federal Poverty Level (FPL) with an eligible factor such as countable medical or childcare expenses.

Poverty Affidavit

Generally, the courts in LAWO's service area accept a poverty affidavit for applicants at or below 187.5% of the FPL. Explaining to the applicant that the Court may still require them or the opposing party to pay some or all the costs at case conclusion is very important. Depending on the Court, they may also be able to make payments rather than paying a lump sum.

Sample Application for Leave to File without Prepayment of Costs... 30

Sample Order for Leave to File without Prepayment of Costs 32

Self-guided interview: <https://www.ohiolegalhelp.org/letters-forms/poverty-affidavit>

Extraordinary Expenses

With prior approval by the Pro Bono Director, an attorney may be reimbursed for extraordinary litigation and out-of-pocket expenses. An attorney may be required to provide written documentation for actual reimbursement.

Attorney's Fees

Pro bono attorneys can recover attorney's fees when appropriate. If you believe you have a case in which attorney's fees may apply, please contact the Pro Bono Director to discuss if your case and whether attorney's fees are appropriate while in your capacity as a volunteer attorney.

Malpractice Insurance

Malpractice insurance coverage is provided at no cost to the pro bono attorney for work associated with the referred case or work at a LAWO sponsored clinic.

Resources

Volunteers are notified of any LAWO sponsored free continuing legal education opportunities.

Staff with LAWO's pro bono department will follow up with you during the duration of the case.

Contact LAWO's pro bono department for:

- ✓ Sample pleadings and forms to be used as models.
- ✓ Subject matter support by an in-house attorney.

Volunteer Hours & CLE Credit

Tracking your Hours

It is important to track all the time spent volunteering for LAWO. This is important not only for CLE pro bono credit, but to help LAWO show the demand for assistance when talking with funders.

Countable activities include client contact, pleading and correspondence preparation, research, discovery/investigation, negotiation, trial preparation, court/administrative appearance, travel, and consultation re: client/case.

Sample:

.1 = 6 min	.2 = 12 min	.3 = 18 min	.4 = 24 min	.5 = 30 min
.6 = 36 min	.7 = 42 min	.8 = 48 min	.9 = 54 min	1.0 = 60 min
Date	1/7/2021			
Client	Time	Tenths	Explanation	
Jane Doe	1:45	.3	pc w/ client	
James Smith	3:45	1.2	Travel & final hearing	

CLE Credit

As of January 1, 2014, one hour of continuing legal education credit may be awarded for every six hours of pro bono legal service performed, with a maximum of six credit hours for service performed during a biennial compliance period.

Calculation of CLE Credit

An attorney must provide a minimum of six hours of pro bono legal services to be eligible to receive one hour of CLE credit. After the minimum one-hour threshold has been met, additional pro bono hours will be rounded to the nearest quarter hour.

For example: 6 pro bono hours = 1 CLE hour
 20 pro bono hours = 3.5 CLE hours
 36 pro bono hours = 6 CLE hours

Legal Aid of Western Ohio, Inc. (LAWO) is a “pro bono sponsor” as defined in Gov. Bar R. X and the CLE Regulations and to the extent possible, we are maintaining records of your pro bono work for our organization.

The CLE commission requires that Form 23 be submitted for each attorney providing pro bono hours no later than January 31st. Therefore, we will be sending you Form 23 in December for your review and signature. **Upon your review and verification, you must return the signed form to LAWO for submission to the CLE Commission.**

Forms

Attorney CLE Pro Bono Hours Letter	33
Form 23 https://www.supremecourt.ohio.gov/AttySvcs/CLE/forms/	34

Corporate Attorney Volunteers

As of April 1, 2015, attorneys with Ohio corporate counsel status may now also provide pro bono legal services for LAWO clients.

Retired Attorney Volunteers

- An attorney who has remained in active status at retirement will be covered by malpractice insurance and earn CLE credit for volunteer work with LAWO.
- An attorney who moved to inactive status at retirement may change to active status and be covered by malpractice insurance and earn CLE credit for volunteer work with LAWO.
- An attorney who registered for retired status prior to September 1, 2007 may change to active status and be covered by malpractice insurance and earn CLE credit for volunteer work with LAWO.
- An attorney who registered for retired status after September 1, 2007 may still volunteer with LAWO by helping with legal research and writing and/or materials development.
- An attorney in emeritus status will be covered by malpractice insurance and earn CLE credit for volunteer work with LAWO.

Emeritus Status

Effective September 15, 2016, Ohio attorneys in good standing may move from non-active to emeritus status with a reduced biennial registration of \$75 in order to provide pro bono services. Requirements:

- 15 year minimum practice history.
- Association with a legal aid, law school clinic, public defender's office, or approved legal services organization.
- Supervision from an active-status attorney to appear before a court, administrative board, or agency. Basically, with the client's permission and written approval by a supervising active-status attorney. Routine legal services do not require supervision.
- Compensation is restricted to reimbursement for expenses from a pro bono organization.
- Meet continuing legal education (CLE) requirements.
- <http://www.supremecourt.ohio.gov/AttySvc/AttyReg/emeritusProBono/default.asp>

Law Student & Paralegal Volunteers

Law students and paralegals may receive school credit when appropriate for their volunteer work with LAWO.