Rule 6.5. NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICES PROGRAMS.

Vermont Rules

SUPREME COURT ADMINISTRATIVE ORDERS AND RULES

RULES OF PROFESSIONAL CONDUCT

PUBLIC SERVICE

As amended through July 16, 2014

Rule 6.5. NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICES PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this rule.


Note: Comment

[1] Legal services organizations, courts and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services - such as advice or the completion of legal forms - that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal-advice hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. See, e.g., Rules 1.7, 1.9 and 1.10.

[2] A lawyer who provides short-term limited legal services pursuant to this rule must secure the client's informed consent to the limited scope of the representation. See Rule 1.2(c). If a short-term limited representation would not be reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this rule, the Rules of Professional Conduct, including
Rules 1.6 and 1.9(c), are applicable to the limited representation.

[3] Because a lawyer who is representing a client in the circumstances addressed by this rule ordinarily is not able to check systematically for conflicts of interest, paragraph (a) requires compliance with Rules 1.7 or 1.9(a) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only if the lawyer knows that another lawyer in the lawyer's firm is disqualified by Rules 1.7 or 1.9(a) in the matter.

[4] Because the limited nature of the services significantly reduces the risk of conflicts of interest with other matters being handled by the lawyer's firm, paragraph (b) provides that Rule 1.10 is inapplicable to a representation governed by this rule except as provided by paragraph (a)(2). Paragraph (a)(2) requires the participating lawyer to comply with Rule 1.10 when the lawyer knows that the lawyer's firm is disqualified by Rules 1.7 or 1.9(a). By virtue of paragraph (b), however, a lawyer's participation in a short-term limited legal services program will not preclude the lawyer's firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program's auspices. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program.

[5] If, after commencing a short-term limited representation in accordance with this rule, a lawyer undertakes to represent the client in the matter on an ongoing basis, Rules 1.7, 1.9(a) and 1.10 become applicable.

**Reporter's Notes**

V.R.P.C. 6.5 is added to incorporate new Model Rule 6.5 and its comment into the Vermont Rules of Professional Conduct. The ABA Reporter's Explanation is as follows:

TEXT:

Rule 6.5 is a new Rule in response to the Commission's concern that a strict application of the conflict-of-interest rules may be deterring lawyers from serving as volunteers in programs in which clients are provided short-term limited legal services under the auspices of a nonprofit organization or a court-annexed program. The paradigm is the legal-advice hotline or pro se clinic, the purpose of which is to provide short-term limited legal assistance to persons of limited means who otherwise would go unrepresented.

1. Paragraph (a): Rule only applies to short-term legal services provided under auspices of program sponsored by court or nonprofit organization

Paragraph (a) limits Rule 6.5 to situations in which lawyers provide clients short-term limited legal services under the auspices of a program sponsored by a nonprofit organization or court. The Commission believes that the proposed relaxation of the conflict rules does not pose a significant risk to clients when the lawyer is working in a program sponsored by a nonprofit organization or a court and will eliminate an impediment to lawyer participation in such programs. See Comment [1].

2. Paragraph (a)(1): Rules 1.7 and 1.9(a) apply only if participating lawyer "knows" of conflict of interest
Paragraph (a)(1) provides that the lawyer is subject to the requirements of Rules 1.7 and 1.9(a) only if the lawyer knows that the representation involves a conflict of interest. The purpose is to make it unnecessary for the lawyer to do a comprehensive conflicts check in a practice setting in which it normally is not feasible to do so. See Comment [3]. In cases in which the lawyer knows of a conflict of interest, however, compliance with Rules 1.7 and 1.9(a) is required.

3. Paragraph (b): Rule 1.10 only applicable as specified in paragraph (a)(2)

Paragraph (a)(2) provides that a lawyer participating in a short-term legal services program must comply with Rule 1.10 if the lawyer knows that a lawyer with whom the lawyer is associated in a firm would be disqualified from handling the matter by Rules 1.7 or 1.9(a). By otherwise exempting a representation governed by this Rule from Rule 1.10, however, paragraph (b) protects lawyers associated with the participating lawyer from a vicarious disqualification that might otherwise be required. Thus, as explained in Comment [4], a lawyer's participation in a short-term limited legal services program will not preclude the lawyer's firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program's auspices. Nor will a personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program. Given the limited nature of the representation provided in nonprofit short-term limited legal services programs, the Commission thinks that the protections afforded clients by Rule 1.10 are not necessary except in the circumstances specified in paragraph (a)(2).

COMMENT:

[1] This Comment explains the scope of the Rule.

[2] This Comment explains the relationship to Rule 1.2(c) and adds a reminder that, except for the relaxation of the requirements of Rules 1.7, 1.9 and 1.10, the lawyer must comply with the Rules of Professional Conduct when providing limited legal services.

[3] This Comment provides the reason for limiting disqualification to situations in which the lawyer knows the lawyer's representation involves a conflict of interest for the lawyer or that a lawyer associated with the lawyer in a law firm would be disqualified from handling the matter. A strict duty to identify conflicts does not make sense in the context of the short-term limited representation provided through a hotline or pro se clinic.

[4] This Comment explains the effect of and reason for otherwise exempting nonprofit, short-term limited legal services programs from Rule 1.10.

[5] This Comment recognizes that in some instances a lawyer who initially intends only to provide a limited short-term representation will decide to provide more extensive legal services. In such circumstances, the lawyer must comply with the generally applicable conflict-of-interest rules.
1st Employee Meeting

- State of Vermont
  - Department of Labor
  - Unemployment
  - VT Health Connect
- VT Bar Association
- Adecco Staffing Agency
- VT Employee Assistance Program
- Rutland Mental Health Crisis

2nd Meeting & 3rd Meetings

- State of Vermont
  - Department of Labor
  - Unemployment
  - VT Health Connect
- VT Bar Association
- Adecco Staffing Agency
- VT Employee Assistance Program
- Rutland Mental Health Crisis
  - Crisis Debriefing Meetings
- People’s Bank – 401(k)
- Stafford Technical Center
- CCV
- Other resources
  - United Way
  - Go Vermont
  - 3 Squares VT
  - Leddy Group
FOR FREE LEGAL HELP CALL

1-800-889-2047

IF YOU LOST A JOB, ARE ELDERLY OR LOW INCOME, THIS ONE PHONE CALL MAY GET YOU FREE LEGAL HELP FROM

--VERMONT LEGAL AID
--LEGAL SERVICES LAW LINE OF VERMONT (over the phone advice)
--VERMONT VOLUNTEER LAWYER PROJECT
--RUTLAND PILOT PROJECT
--“LOW BONO” PROJECTS IN OTHER COUNTIES
--OTHER LEGAL HELP PROJECTS

YOU CAN ALSO APPLY ON LINE AT

www.vtlawhelp.org
The Legal Clinic provides one time legal advice about your rights and responsibilities, advice on your options for dealing with legal issues, and information about how the legal system works so you know what to expect.

**Legal Clinic Information**

- The Legal Clinic meets on the first Monday of every month from 6-8 p.m.

- Walk-ins are welcome, or you may call for an appointment: 748-2977.

- Held at the St. Johnsbury Community Justice Center, 108 Cherry St.

- Serves everyone at no charge.

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**St. Johnsbury Community Justice Center**

Legal Clinic

Need Help Navigating the System?

108 Cherry Street
St. Johnsbury, VT 05819
(802)748-2977
(802)748-3146 fax
www.communityrjc.org
office@communityrjc.org
Legal Clinic Questionnaire

Welcome to the Legal Clinic sponsored by the Community Restorative Justice Center, St. Johnsbury. Please take a moment to complete this brief questionnaire to help us avoid conflicts of interest and to plan for future clinics. Thank you.

Clinic Date: ______________________________

Name: ___________________________________ Age _________

Address: ____________________________________________________________

Phone Number: ________________________________

How did you hear about the Legal Clinic?
________________________________________________________________________

Briefly what would you like to talk to an attorney about today?
________________________________________________________________________

Have you already spoken to a private attorney about this matter?
If YES, whom did you speak with? ____________________________________________

Opposing Party (if any) ______________________________________

Opposing Attorney (if any) ______________________________

POST CLINIC - QUESTIONS

Was it helpful to you that you came to the Legal Clinic? (please circle one)  Yes  No

Did you have enough time to explain your situation fully and to get a full response? (please circle one) Yes  No

How could the Legal Clinic be improved?

THE LEGAL CLINIC IS AVAILABLE TO YOU BECAUSE OF A GRANT FROM THE VERMONT
THE COMMUNITY RESTORATIVE JUSTICE CENTER, INC.

LEGAL CLINIC

Target Population: Residents of Caledonia and southern Essex counties with pending legal issues.

Outcomes: Individuals will receive free one-time legal advice and information on, and referral to, available legal services.

Activities: Local attorneys counsel and advise residents in private one-on-one sessions on their legal rights and responsibilities and their options for dealing with specific legal issues.

Program Schedule: First Monday of each month from 6:00 to 8:00 p.m. Most individual sessions last ½ hour.

Referral Process: Individuals may be referred by area agencies and organizations or may self-refer. Appointments are made for those who contact the CRJC ahead of time, but walk-ins are served.

Staffing Needs: A volunteer coordinator hosts the Clinic which is staffed by a pool of fifteen attorney volunteers, two per Clinic.

Protocol/Procedure: When making an appointment individuals are asked their name, phone number, the general nature of their problem and the name of any opposing party so attorneys can check for conflicts.

The Thursday before the Clinic attorneys are provided with the names of people scheduled and the names of any opposing parties.

On arrival at the Clinic individuals complete a brief contact form asking name, address, phone, nature of problem, opposing party and how they were referred to the Clinic. Before they leave they are asked for feedback on the Clinic at the bottom of the same form. Attorneys may keep their own notes which are not shared with the CRJC, and/or may ask for a copy of the contact form for their own records. Forms are kept by the CRJC and are considered confidential information.

September, 2013
Legal Clinic

General Information (see also PROGRAM information)

- Legal Clinic meets on the first Monday evening of every month from 6-8 p.m. If that day is a holiday, the Clinic will be held the following (second) Monday evening

- The Legal Clinic is free and open to anyone from the NEK

- Attorneys cover the Clinic on a rotating basis – names should be on the calendar, but the full schedule is in the LEGAL filing drawer in Mary Jo’s office

- This is a one time service to answer questions – if they have already talked to an attorney at a different clinic there is no reason for them to come to our Clinic. Many of the attorneys volunteer at both clinics and they are not going to get a different answer to their question

- This is not legal representation it is more of a Q & A.

Intake Process

- Most people make an appointment ahead of time but can also walk in that evening.

- When they call to make an appointment log all requested information in file marked “Legal Clinic Register”. Contact information is very important for reminder phone calls – make a note if they ask not to be called at home and want us to leave a message somewhere. Note general area of inquiry: “divorce,” “support,” “foreclosure,” etc. Name of opposing party is important for attorneys to check for conflicts

- Schedule two appointments every half hour [except for Chad Hickey, who sees people every 15 minutes].

- Let them know who the attorney is for the month they sign up for to be sure there is no conflict of interest.

Week before Legal Clinic:

- Clinic Coordinator emails names to attorneys to screen for conflicts

Days before Legal Clinic

- Reminder phone calls to attorneys and clients

- Clinic Coordinator juggles schedule as needed based on result of reminder calls
The South Royalton Legal Clinic is one of Vermont’s three major providers of legal services to low-income individuals. In order to be eligible for services under the general clinic program, an individual’s income must be at or below 125% of the federal poverty guidelines. Services are provided by 4 staff attorneys and up to 24 law students per semester and during summer months.

The General Program – Represents clients in a wide variety of case types, including family, landlord/tenant, bankruptcy, public benefits, disability, guardianship, wills, juvenile (CHINS), and unemployment. The Prison Project (see below) is also part of the General Program.

Projects

Domestic Violence Project – Provides representation to victims of domestic violence at court hearings that determine whether temporary orders will be extended.

Children First! (CF!)—Provides counsel to children caught in contentious family situations.

Vermont Immigrant Assistance (VIA)—Provides counsel to immigrants, across the state. Specializes in asylum cases and cases where the immigrant has experienced domestic violence.

The Prison Project—The Families in Crisis Legal Assistance Project assists incarcerated women seeking reunification with their children upon release.

Client Statistics

The following statistics provide a snapshot of the Clinic’s broad reach, and include demographics of individuals assisted or represented by the Clinic in fiscal year 2014:

Of the 201 clients represented, the Clinic represented 115 children (92 children were under the Children First! project, 11 were domestic violence victims, and 3 were victims of crime). In addition, 75 adult women were represented (including 56 domestic violence victims, and 3 women in prison), and 31 men (2 of whom were domestic violence victims). Of the total number of clients, 32 were immigrants, and 12 were victims of crime. One was a referral from The Haven (a family services shelter in White River Jct.)

Of the 243 consults during this same time period, the Clinic was in contact with 19 immigrants (men, women, and children), 164 women (including 7 women in prison, and 32 domestic violence victims), and 79 men (including 3 domestic violence victims, and 3 veterans). In addition, the Clinic consulted with numerous agencies or attorneys around the state regarding immigration issues.

The Clinic referred another 690 persons out to possible sources of assistance/representation, both in-state and out-of-state.

Clinic attorneys and students were scheduled for a total of 251 court hearings and other types of appearances.
<table>
<thead>
<tr>
<th>County</th>
<th>Clients Served</th>
<th>Call-ins/Walk-ins (reports of contact and/or other formal consults—all programs)</th>
<th>Referrals (not formal consults)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Windsor County</td>
<td>54</td>
<td>118</td>
<td>230</td>
</tr>
<tr>
<td>Orange County</td>
<td>43</td>
<td>59</td>
<td>150</td>
</tr>
<tr>
<td>Washington County</td>
<td>23</td>
<td>9</td>
<td>40</td>
</tr>
<tr>
<td>Chittenden County</td>
<td>20</td>
<td>17</td>
<td>38</td>
</tr>
<tr>
<td>Caledonia County</td>
<td>5</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>Windham County</td>
<td>5</td>
<td>6</td>
<td>25</td>
</tr>
<tr>
<td>Addison County</td>
<td>2</td>
<td>1</td>
<td>13</td>
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<tr>
<td>Bennington County</td>
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<td>4</td>
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<td>Lamoille County</td>
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<td>1</td>
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<td>6</td>
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<tr>
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<td>1</td>
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<tr>
<td>Rutland County</td>
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<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Grand Isle</td>
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<tr>
<td>Unknown</td>
<td>0</td>
<td>10</td>
<td>65</td>
</tr>
</tbody>
</table>

**Total**

- 171 Cases Involving 201 Clients
- 243 Call-Ins/Walk-Ins
- 690 Referrals

**GRAND TOTAL =**

- 1,134 PEOPLE SERVED INCLUDING 201 CLIENTS IN 171 CASES
SRLC Caseload for Fiscal Year 2014

- Consumer: 6, 4%
- Administrative: 15, 9%
- Housing: 4, 2%
- Immigration: 33, 19%
- Miscellaneous: 1, 1%
- Domestic Relations: 112, 65%
Free Legal Clinic

Located at:
Law Line of Vermont
274 N. Winooski Ave
Burlington, VT

sponsored by
BURLINGTON COLLEGE

A Free Law Clinic to help people help themselves!
No appointment necessary

Open Saturdays from 10am to Noon
Closed weekends of Thanksgiving, Christmas and New Years.

For more information contact:
Sandy Baird, Esq.
802-862-9616
www.burlington.edu

Offered in association with the Vermont Bar Foundation, Law Line of Vermont, and The Caroline Fund.
Vermont Superior Court

Environmental Division Free Legal Clinic

The Environmental Division Free Legal Clinic is offered in collaboration with the Vermont Bar Association Pro-Bono / Low-Bono Program.


Appointment times: 12:30 pm, 1:30 pm, 2:30 pm and 3:30 pm.

Location: 32 Cherry Street, Burlington, 2nd. floor of the Costello Courthouse

Target audience:

Pro Se individuals filing a case in the Environmental Division.
Pro Se individuals who are considering filing a case in the Environmental Division.
Pro Se individuals who are already involved in a case in the Environmental Division.
Pro Se individuals who have had an enforcement action brought against them by a municipality, the Agency of Natural Resources or Natural Resource Board.

Access to the clinic: Call the Environmental Division at (802) 951-1740 to make an appointment.

Disclaimer

I understand that the ENVIRONMENTAL DIVISION's free legal clinic provides advice and consultation only. I understand that the attorney will meet with me for this appointment only and will not represent me in court or provide any services other than advice today. I understand that the attorney I meet with may or may not have expertise in area of law for which I need help but that he or she will attempt to answer my questions accurately and direct me to useful resources. I understand that the information disclosed to the attorney is confidential. I understand that if I invite another person into the clinic appointment with myself and the attorney, there may not be full confidentiality. I understand that some of the information on this form may be used by the Environmental Division or the Vermont Bar Association for anonymous statistical reports.
CLIENT INFORMATION:

Name: ____________________________________________________________

Address: __________________________________________________________

Phone: __________________ E-mail ___________________________ Other: _______________________________________

Briefly, describe why you are here to see an attorney: ____________________________________________________
_________________________________________________________________________________________________

Please read and sign: I understand that the RCBA’s advice clinic provides advice and consultation only. I understand that the attorney will meet with me for this appointment only and will not represent me in court or provide any services other than advice today. I understand that the attorney I meet with may or may not have expertise in area of law for which I need help but that he or she will attempt to answer my questions accurately and direct me to useful resources. I understand that the information disclosed to the attorney is confidential. I understand that if I invite another person into the clinic appointment with myself and the attorney, there may not be full confidentiality. I understand that some of the information on this form will be used by RCBA for anonymous statistical reports.

CLIENT SIGNATURE: _____________________________________________ Date: ____________________________

_____________________
ATTORNEY PLEASE COMPLETE THE FOLLOWING SECTION

1. Type of case: __________________________________________________________________________________

2. Does client need an attorney to represent him/her? _____ yes      _____ no.

3. Client referred to:

   _____ No additional assistance needed               _____ FEMA
   _____ Vermont Volunteer Lawyer Project               _____ Vermont Legal Aid
   _____ VBA Lawyer Referral Service                   _____ Low Bono Project in ____________ Co.
   _____ Non-legal agency: __________________________   _____ Other _________________________________

4. DO YOU PLAN TO FOLLOW-UP WITH THIS CLIENT OUTSIDE THE CLINIC PRO BONO?

   _____ Yes       _____ No   If Yes, describe service:

   __________________________________________________________________________________________
   __________________________________________________________________________________________

5. Case Summary Notes and Suggested Further Action: __________________________________________________
   __________________________________________________________________________________________
   __________________________________________________________________________________________
   __________________________________________________________________________________________

6. Attorney Name: ____________________________________________ Date Advice Given: ________________