

Be Not Afraid

Limited Scope Representation: Considerations for the Christian Legal Aid Clinic Volunteer

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I. Types of Limited Scope Services

- a. Legal services as a “bundle” of services
 - i. Explanation?
- b. Types:
 - i. Advice and counsel
 - ii. Limited action (brief service)
 1. Discrete tasks
 2. Limited advocacy on behalf of client (phone calls, letters, etc.)
 - iii. Extensive service
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 1. Full representation, but not in court
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II. Ethical considerations

- a. Overview of Sources
 - i. State Professional Rules
 - ii. ABA Model Rules
 - iii. ABA and State Ethics Opinions
 - iv. Court and Local Rules
- b. At the Legal Aid Desk and Beyond
 - i. **CONFLICTS**
 1. Bottom line: In short, the rules regarding conflicts are more lenient at the legal aid desk. If a conflict between clients or attorney and client is known, then it must be dealt with according to the normal rules. If it is unknown, there is more leniency in the rules.

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.

2. Caution: if you continue to provide ongoing advocacy or services, this would trigger the normal rules
3. **Rule 6.5 of the 2020 ABA Model Rules of Professional Conduct** provides the following:
4. **Rule 1.7 of the 2020 ABA Model Rules of Professional Conduct** provides the following:

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
- (4) each affected client gives informed consent, confirmed in writing.

5. **Rule 1.10** provides the following, in relevant part

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless

(1) the prohibition is based on a personal interest of the disqualified lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm; or (2) the prohibition is based upon Rule 1.9(a) or (b), and arises out of the disqualified lawyer's association with a prior firm [...]

6. **Comments to the rules** provide the necessary guidance:
- a. Comment 1 to Rule 6.5 provides that nonprofit organizations which “have established programs through which lawyers provide short-term limited legal services – such as advice or the completion of legal forms” does not require “systematically screen[ing] for conflicts of interest as is generally required before undertaking a representation.”
 - i. **Qualification 1**: Types of programs covered are legal advice hotlines, advice-only clinics, or *pro se* counseling programs
 - ii. **Qualification 2**: 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.**”
 - iii. **Qualification 3**: lawyer must secure the client’s informed consent to the limited scope of the representation (Comment 2 to Rule 6.5)
 - iv. **Qualification 4**: short-term limited representation would not be unreasonable under the circumstances, and if so, the “lawyer may offer advice to the client but **must also advise the client of the need for further assistance of counsel.**”: Rules of confidentiality apply (i.e. referrals) (Comment 2 to Rule 6.5)
 - v. **Qualification 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) [Duties to Former Clients], and 1.10 become applicable.” (Comment 5 to Rule 6.5)

ii. **SCOPE OF REPRESENTATION**

1. Bottom line: Most jurisdictions have accepted the “unbundling” of legal services in order to serve the greater good.
2. Bottom line: The scope of legal services provided must be reasonable under the circumstances.
3. Bottom line: It is best practice (and may be required) to have the client sign a written Limited Scope Agreement (LSA).
4. **Rule 1.2 of the ABA Model Rules of Professional Conduct** provides the following, in relevant part:

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

5. Guidance

a. **Comments to the Rule**

- i. Comment 7 to Rule 1.2: “Although this Rule affords the lawyer and client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances. If, for example, a client's objective is limited to securing general information about the law the client needs in order to handle a common and typically uncomplicated legal problem, the lawyer and client may agree that the lawyer's services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely.”
- ii. **Qualification**: Unbundled legal services must be competent.
 1. All agreements concerning a lawyer’s representation of a client, including limited scope agreement, must accord with the Rules, including Rule 1.1 – Duty of Competence.
 2. “Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and

preparation reasonably necessary for the representation.” See Rule 1.1.

iii. Qualification: Limited scope legal services require informed consent of the client

1. LSA should be in writing

a. According to ABA Formal Opinion 472, “informed consent is defined as: ‘the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.’”

i. Thus, one should “clearly explain the limitations of the representation, including the types of services which are not being provided and the probable effect of limited representation on the client’s rights and interests.” Id. at pg. 3 (citing Colorado Bar Ass’n. Formal Ethics Op. 1010).

ii. “The client’s understanding of the scope of the services is fundamental to a limited scope representation.” Id. at pg. 3 (citing D.C. Bar Legal Ethics Committee Op. 330 (2005)).

2. Therefore, the ABA recommends that “when lawyers provide limited-scope representation to a client, they confirm with the client the scope of the representation – including the tasks the lawyer will perform and not perform – in writing that the client can read, understand, and refer to later.” ABA Formal Op. 472, at pg. 3.

a. It is noted in this Formal Opinion that several states require such

agreements to be in writing, and many states recommend the same.

iii. **DUTIES OF PRIVILEGE AND CONFIDENTIALITY**

1. Bottom line: All privilege and confidentiality rules apply in the context of the legal aid clinic and any unbundled legal service provided.
2. Bottom line: If direct referrals are made on client's behalf, client must give informed consent. (See Rule 6.5, Comment 2).
3. Bottom line: Efforts should be made to provide as much privacy during clinic consultations as possible.
4. **Rule 1.6 of the ABA Model Rules of Professional Conduct** provides the following, in relevant part:

a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b) [to prevent certain financial or physical injuries to others, or to defend one's self against certain allegations of professional misconduct]. (c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

5. **Guidance**

- a. Comment 2 to Rule 1.6.: "A fundamental principle in the client-lawyer relationship is that, in the absence of the client's informed consent, the lawyer must not reveal information relating to the representation."
 - i. Informed consent: "denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct." ABA Model Rule. 1.0(e).
- b. Comment 3 to Rule 1.6: Confidentiality is given effect by: the attorney-client privilege, work product doctrine, and the rule of confidentiality established in professional ethics.
 - i. Attorney-client privilege and work product doctrine apply in judicial and other proceedings in which a lawyer may be called as a witness or produce evidence

- ii. Rule of confidentiality applies in all other situations, and “applies not only to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source.”
- c. Comment 18 to Rule 1.6: Explains paragraph (c) of the rule – “requires a lawyer to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer’s supervision.”
 - i. Qualification: It is not a violation of the rule “if the lawyer has made reasonable efforts to prevent the access or disclosure.”
 - 1. Factors to consider: sensitivity of information, likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer’s ability to represent clients.
 - 2. Legal aid desk hypo: TBD (volunteer shouting potentially embarrassing info in a public space; space considerations of clinics in general)

iv. **DUTY OF COMMUNICATION**

- 1. Bottom line: Scope of representation must be clearly explained to clients (LSA).
- 2. Bottom line: Clear communication to the client is extremely important as it pertains to the provision of certain unbundled legal services. (Consider Engagement Agreements).
- 3. Bottom line: Interpreters are sometimes needed to fulfill the duty of communication, including within limited scope advice sessions.
- 4. **Rule 1.4 of the ABA Model Rules of Professional Responsibility** provides the following, in relevant part:

- a) A lawyer shall:
 - (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
 - (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
 - (3) keep the client reasonably informed about the status of the matter; [. . .]
 - (4) promptly comply with reasonable requests for information;
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

5. Guidance:

- a. The Duty of Communication is triggered when limiting the scope of legal services or providing unbundled legal services, since limiting the scope requires informed consent. See Rule 1.2 and see ABA Formal Opinion 472 (above) with regard to limited scope agreements.
- b. Qualification: Comment 5 to Rule 1.4 -- “Adequacy of communication depends in part on the kind of advice or assistance that is involved. . . The guiding principle is that the lawyer should fulfill reasonable client expectations consistent with the duty to act in the client’s best interests, and the client’s overall requirements as to the character of the representation.”
 - i. In certain situations, this would require informed consent of a conflict of interest.
- c. Interpreters: consider providing a training for interpreter volunteers.

Do's and Don'ts for Interpreters

- DO
 - Interpret everything as completely and accurately as possible just as it was said.
- DO
 - Be impartial and unbiased in your interpretation.
- DO
 - Speak up if you don't hear something, don't understand something, or if you need a break.
- DO
 - Continue to improve your vocabulary, especially related to the field that you are in.
- DO
 - Bring a notebook, pen and water bottle to interpretation sessions. Take notes during the session!!
- DON'T
 - Give legal advice even if you know the legal answer (I.e. paralegal). When you are interpreting, that is all you are doing.
- DON'T
 - Add, omit, change, summarize or explain anything that was said.
- DON'T
 - Give your own opinion in your interpretation.

Source: Catholic Migration Services: A Guide to Working with Each Other for Lawyers and Interpreters

Do's and Don'ts for Lawyers

- DO
 - Explain to the client that you have an interpreter for this meeting and that they will be interpreting everything.
- DO
 - Speak to the client during the meeting and not to the interpreter. The meeting is still between the lawyer and the client.
- DO
 - Give the interpreter advance notice of the meeting if possible
- DO
 - Provide the interpreter with material prior to the appointment if possible
- DON'T
 - Ask the interpreter to “sum up” or “give the basics” of what they said to the client.
- DON'T
 - Talk for long stretches of time during CI without pausing for interpretation.
- DON'T
 - Tell the interpreter to not interpret something during the meeting.
- DON'T
 - Ask the interpreter to explain what was just said. If the client has a question, they must ask the lawyer.

Source: Catholic Migration Services: A Guide to Working with Each Other for Lawyers and Interpreters

v. **DUTY OF COMPETENCY**

1. Bottom line: Limited scope and unbundled legal services are subject to the duty of competency.
2. Bottom line: Volunteer attorneys may be competent to advise on a client's matter, even if it is outside their practice area, under the supervision of a Christian legal aid program.
3. Bottom line: Attorneys, including volunteer and pro bono, may become competent to advise clients through reasonable preparation.
4. Bottom line: Legal aid organizations who depend upon volunteer law staff should have a robust volunteer training and supervision program.
5. **Rule 1.1 of the Model Rules of Professional Responsibility** provides the following:

<p>A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.</p>

6. Guidance:

- a. Comment 1 to Rule 1.1 provides that the determination of whether a lawyer is competent in a particular matter depends upon the weighing of several factors:
 - i. Relative complexity and specialized nature of the matter;
 - ii. Lawyer's general experience;
 - iii. Lawyer's training and experience in the field in questions;
 - iv. Preparation and study the lawyer is able to give the matter; and
 - v. *Whether it is feasible to refer or consult with a lawyer of established competence in the field.
- b. "In many instances, the required proficiency is that of a general practitioner." Comment 1 to Rule 1.1.
- c. Comment 2 to Rule 1.2: "A lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is unfamiliar...Some important legal skills, such as the analysis of precedent, the evaluation of evidence and legal drafting, are required in all legal problems. *Perhaps the most fundamental legal skill consists of determining what kind of legal problem a situation may involve, a skill that*

necessarily transcends any particular specialized knowledge.” (Emphasis added).

- d. Qualification: The lawyer can provide adequate representation in a novel field through necessary study. Comment 2 to Rule 1.1.
- e. Qualification: “Competent representation can be provided through the association of a lawyer of established competence in the field in question.” Comment 2 to Rule 1.1.
- f. Comment 4 to Rule 1.1.: A lawyer may accept representation where the requisite level of competence can be achieved by reasonable preparation.
- g. Qualification: “Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” See Rule 1.2, Comment 7.
 - i. Important consideration: The demand for civil legal services far outweighs the supply of attorneys. Weigh important competency concerns with the fact that your client may have no other legal source from which to obtain information. See New York County Lawyers Association (NYCLA), Opinion 742 (April 16, 2010),
- h. Referrals: Before a lawyer “retains or contracts” with lawyers from other organizations to provide or assist with provision of legal services to the client, the lawyer should ordinarily obtain informed consent from the client and must also believe the other organization’s services will contribute to the client’s representation. Rule 1.1, Comment 6.
- i. Volunteer trainings: “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including [. . .] engag[ing] in continuing study and education [. . .]” Rule 1.1, Comment 8; and see Rule 1.1., Comment 2; and see Rule 1.1, Comment 4.

vi. DUTY OF CANDOR

- 1. Bottom line: Disclosure of the provision of limited scope or unbundled legal services for a client to others, including the court and an opposing attorney or party, is sometimes required.

2. Bottom line: When preparing court documents/pleadings for a *pro se* client, it is generally best practice to note that such documents have been “prepared with assistance of counsel [by one’s agency].”
3. Bottom line: The lawyer for your client’s opponent may be required to communicate with you, rather than the client, on an unbundled legal service.
4. **ABA Model Rule 3.3** provides the following, in relevant part:

(a) A lawyer shall not knowingly:
(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer; or [. . .]
(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

5. **ABA Model Rule 8.4** provides the following, in relevant part:

It is professional misconduct for a lawyer to: (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation [. . .]

6. **Ghostwriting**: “Litigants appearing before a tribunal *pro se* (representing themselves, without counsel) sometimes engage lawyers to assist them in drafting or reviewing documents to be submitted in the proceeding.” ABA Standing Committee on Ethics and Professional Responsibility, Formal Opinion 07-446 (May 5, 2007), at pg. 1.

7. Guidance:

- a. **ABA Formal Op. 07-446**: “We conclude that there is no prohibition in the Model Rules of Professional Conduct against undisclosed assistance to *pro se* litigants, as long as the lawyer does not do so in a manner that violates rules that otherwise would apply to the lawyer’s conduct.” *Id.* at pg. 4.
 - i. Factors considered by the ABA in its decision:
 1. Whether a lawyer or lawyer’s *pro se* client makes disclosure to a tribunal or adversary depends on whether the fact of assistance is material to the matter, i.e. whether the failure to disclose limited scope

representation would constitute fraudulent or dishonest conduct on the part of the client

- a. ABA determined that the fact that a litigant submits papers to a tribunal on a *pro se* basis that have been prepared by a lawyer “behind the scenes” is not material to the merits of the litigation. Id. at pg. 2.
2. Whether *pro se* litigants are the beneficiaries of special treatment in court and whether their pleadings are held to less stringent standards
 - a. ABA determined that it will be evident from the papers whether an attorney helped to prepare them and therefore court will not use a more liberal standard with such pleadings, and if it is not apparent from the pleadings, there will be no unfair advantage to the *pro se* litigant. Id. at pg. 3.
 - i. “While judges may provide greater latitude to a *pro se* litigant as far as some procedural rules are concerned, a *pro se* litigant should not enjoy the same extended latitude on the merits of his or her claim.” NYCLA, Opinion 742, at pg. 4 (citations omitted).
 - ii. “Treating pleadings more leniently does not make it more likely that a *pro se* litigant will win. It simply makes it more likely that the *pro se* litigant’s cause will be heard on the merits, as opposed to being dismissed at the pleading stage.” Id. at pg. 5.
 - ii. ***Qualification and Caution***: A lawyer must check the rules in his/her jurisdiction, as they differ

in the requirement to disclose assistance of counsel on *pro se* pleadings.

1. New York’s rule: Rule. 1.2 of New York’s Code of Professional Responsibility provides that a “lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances, the client gives informed consent and where necessary notice is provided to the tribunal and/or opposing counsel.” (Emphasis added).
 - a. In New York – NYCLA has concluded that disclosure is necessary where mandated by a 1) a procedural rule; 2) a court rule; 3) a particular judge’s rule; 4) a judge’s order in a specific case; or 5) “in any other situation in which an attorney’s ghostwriting would constitute a misrepresentation or otherwise violate a law or rule of professional conduct.” NYCLA Op. 742 at pg. 6.
 - b. In New York – “Given the lack of clarification from the Appellate Divisions, and New York’s prior opinions disfavoring ghostwriting, best practices dictate that until there is such clarification, where the attorney’s participation on behalf of a *pro se* litigant has been substantial and the circumstances so warrant, practitioners should give notice to the tribunal and/or to opposing counsel.” Id. at pg. 8.
- b. ABA Formal Opinion 472 (November 30, 2015):
Communication with Person Receiving Limited-Scope Legal Services
 - i. Provides guidance to opposing counsel on matters involving a person who is the recipient of unbundled legal services
 - ii. Provides that if a lawyer has reason to believe that an unrepresented person on the opposing side has received limited scope legal services, “the

Committee recommends that the lawyer begin the communication with that person by asking whether that person is or was represented by counsel for any portion of the matter so that the lawyer knows whether to proceed under ABA Model Rule 4.2 (no contact rule) or 4.3 (dealing with an unrepresented person).” Id. at pg. 1.

- iii. “The opposing lawyer must comply with Rule 4.2 and communicate with the person’s counsel when the communication concerns an issue, decision, or action for which the person is represented.” Id.
- iv. “Communication with a person who received limited-scope legal services about an issue for which representation has concluded should not include inquiries about protected communications between the person and the lawyer providing limited-scope services.” Id.

vii. RECORD-KEEPING

- 1. Client information and files should be retained and discarded in a manner consistent with your organization’s recordkeeping policy. Pro Bono Basics 2022: Best Practices and Ethics: Chapter 7 of Written Materials.
- 2. Maintain original LSAs and Engagement Agreements.
- 3. Full and complete advice should be recorded in each advice-only consultation.
- 4. Consider allowing volunteers to access data system for note-keeping in longer-term unbundled legal services.

c. LSA vs. ENGAGEMENT AGREEMENT

i. Outcome-driven

1. Possible Outcomes

(1) Point of Contact Advice

a. Client’s legal issue can be resolved during the intake:

Volunteers provide necessary information and advice. If need be, refer to outside legal organization. Advises the client that no more assistance will be given but they can contact one’s organization if they have further questions.

b. No legal issue: Volunteers provide client with relevant resources; informs client that because there is no legal issue, organization cannot assist client further.

c. **LSA required**

d. **If completing discrete task during the consultation, like preparing court papers, sign Engagement Agreement specifying exact nature of service provided.**

2. Possible Outcomes

(2) Research and Follow Up

- a. Client's issue requires additional research after the LAD:
Volunteers provide limited advice and information.
Advises the client that further research will be done and organizational staff will follow up with the client as soon as possible.
- b. Organization determines client's matter requires ongoing follow-up and assistance.
- c. **LSA required.**
- d. **Engagement agreement may be required, but likely organizational staff will make the determination if and when it is required.**

3. Possible Outcomes

(3) Referral

- a. **Client's issue cannot be resolved by organization:**
Another legal services organization may be able to assist the client.
- b. Organization will assess the case further and reach out to its network of attorneys, with client's informed consent, to see if it can make a possible referral.
- c. Client is advised that there is no guarantee organizational staff can make the referral, and if a referral is made, there is no guarantee there will be representation.
- d. **LSA required**
- e. **Consider obtaining client's written consent and/or Release of Information form to share their contact information and details of case with another organization.**

d. **RESOURCES**

- i. https://www.americanbar.org/groups/delivery_legal_services/resources/prose_unbundling_resource_center/court_rules/ -- ABA website which provides state-by-state rules as it pertains to limited scope representation
- ii. https://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_del_unbundling_white_paper_2014.authcheckdam.pdf -- AN ANALYSIS OF RULES THAT ENABLE LAWYERS TO SERVE SELF-REPRESENTED LITIGANTS A White Paper by the ABA Standing Committee on the Delivery of Legal Services

III. Client Counseling Considerations

A. Manage expectations

Rule 2.1: Advisor

Share: *Counselor*- In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

Rule 1.3 Diligence - Comment

Share: *Client-Lawyer Relationship*

[1] A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf. A lawyer is not bound, however, to press for every advantage that might be realized for a client. For example, a lawyer may have authority to exercise professional discretion in determining the means by which a matter should be pursued. See Rule 1.2. The lawyer's duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.

Meet Clients Where They Are (Courtesy of Washington Council of Lawyers- wclawyers.org)

“Meeting clients where they are” requires holistic, client counseling and representative approaches, obliging lawyers to disregard any biases and actively listen.

- Be present and actively listen to clients’ stories to understand the injustices they experience and their unique goals and priorities.
- Balance legal expertise with client expertise of their lived experiences.
- Thank clients for calling when their cases are sources of trauma and stress, understanding they may be traumatized or retraumatized throughout the legal process.
- Understand some clients may be detained and have been stripped of their liberties.
- Respect clients’ dignity in making their own decisions and allow them the time they need to reflect and commit to legal strategies.

Client-Centered Lawyering and Representation

Applying principles of cultural humility can keep lawyers centered on clients’ needs and increase client advocacy and zealous representation.

- Support client’s agency over their cases.
- Honestly and realistically educate clients about possible options and outcomes (including potential consequences), to empower informed decision making.
- Enlist subject matter reinforcements, when needed.

- Prioritize client goals, first; legal strategies, second.
- Encourage clients to take on tasks, which may help them proceed on their own at a later date if necessary.
- Educate against biases and assumptions.
- Speak up about systemic disparities and racism.
- Build power within communities by conducting know-your-rights trainings and by representing organizations such as tenant associations.
- Connect clients to mental health or case management services where appropriate – coordinating with their providers and advocating for the clients to the provider, while acknowledging your role in representing a client’s stated interest.
- Revisit and redefine success throughout the attorney-client relationship.
- Continually reflect upon your own lawyering skills so you can continue to better deliver client-centered approaches.

Type of Clients- destitute,poor, uneducated, without housing, without food, without proper medical care, abused-mentally, abused physically, rape survivors, single mothers, father’s rights, drug abused,

B. Setting Boundaries

Ethics-Rule 1.3 - A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.3 Diligence-Comment

[1] A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and *with zeal in advocacy upon the client's behalf*. A lawyer is not bound, however, to press for every advantage that might be realized for a client. For example, a lawyer may have authority to exercise professional discretion in determining the means by which a matter should be pursued. See Rule 1.2. The lawyer's duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.

Professionalism The Model Rules of Professional Conduct

Client-Lawyer Relationship, Counselor, Advocate, Transactions with Persons Other Than Clients, Law Firms and Associations, Public Service, Information About Legal Services, Maintaining the Integrity of the Profession- respective headers to our Professional Rules of Conduct

Discernment- Romans 12:2- *Do not be conformed to this world, but be transformed by the renewal of your mind, that by testing you may discern what is the will of God, what is good and acceptable and perfect.*

Discern- translates Greek *dokimazō*, which often has the sense of finding out the worth of something by putting it to use or testing it in actual practice

C. Empowerment- Fish metaphor-Fishers of men

Matthew 4:19- *And he saith unto them, Come ye after me, and I will make you fishers of men.*

Affirming Client's Voice

Statement of Client Rights

1. You are entitled to be treated with courtesy and consideration at all times by your lawyer and the other lawyers and nonlawyer personnel in your lawyer's office.
2. You are entitled to have your attorney handle your legal matter competently and diligently, in accordance with the highest standards of the profession. If you are not satisfied with how your matter is being handled, you have the right to discharge your attorney and terminate the attorney-client relationship at any time. (Court approval may be required in some matters.)
3. You are entitled to your lawyer's independent professional judgment and undivided loyalty uncompromised by conflicts of interest.
4. You are entitled to have your questions and concerns addressed promptly and to receive a prompt reply to your letters, telephone calls, emails, faxes, and other communications.
5. You are entitled to be kept reasonably informed as to the status of your matter and are entitled to have your attorney promptly comply with your reasonable requests for information, including your requests for copies of papers relevant to the matter. You are entitled to sufficient information to allow you to participate meaningfully in the development of your matter and make informed decisions regarding the representation.
6. You are entitled to have your legitimate objectives respected by your attorney. In particular, the decision of whether to settle your matter is yours and not your lawyer's. (Court approval of a settlement is required in some matters.)
7. You have the right to privacy in your communications with your lawyer and to have your confidential information preserved by your lawyer to the extent required by law.
8. You are entitled to have your attorney conduct himself or herself ethically in accordance with the New York Rules of Professional Conduct.
9. You may not be refused representation on the basis of race, creed, color, religion, sex, sexual orientation, age, national origin or disability. (Courtesy of Legal Aid Society)