

Office of General Counsel Virtual Clinic Update As of October 15, 2004

Background

The Office of General Counsel (OGC) has committed the volunteer resources of the nearly 500 OGC attorneys available to supporting civil legal aid. This continues a move started by past General Counsels Paul Tufano and James Sheehan in joint effort with the PBA, the Dauphin County Bar Association (DCBA) and MidPenn Legal Services.

The OGC has an internal pro bono network that matches interested OGC lawyers with pro bono providers in the area. However, many OGC attorneys felt constrained by their positions as government attorneys to take pro bono cases and the number of OGC attorneys taking cases, or working clinics, though impressive, has been lower than hoped.

December Discussions Lead to New Program

The PBA Pro Bono Office hosted a December 2003 meeting with OGC lawyers and local civil legal aid providers that led to the new program, the OGC Virtual Clinic. The new program capitalizes on the recently developed www.PALawHelp.org Web site that was produced by Pennsylvania Legal Services with PBA support and on the traditional role of OGC lawyers as problem solvers.

Under the program, OGC attorneys contact low-income persons with civil legal issues that are not among the MidPenn Legal Services' priorities (because of limited resources). The OGC lawyer tries to help the low-income person resolve his/her legal issue. In the past, these low-income people would have been told there was no one to help them. Now they will be told that an attorney will be calling them back within the next few days to discuss their matter.

The OGC lawyers have a checklist of questions to ask about matters they may encounter and the hope of the program founders is that many matters will be able to be resolved over the phone. If the OGC lawyer decides the matter needs to go further, that lawyer can either:

- 1) Take the case as his or her own pro bono case; or
- 2) Refer it back to MidPenn, which will utilize DCBA resources to find a pro bono attorney, if possible.

The screening done by the OGC attorneys, whether they resolve the problem themselves or refer it back to a Dauphin County pro bono volunteer, will greatly enhance the delivery of legal services to the area poor.

April Training

Two trainings were held in 2004 on April 5 and 19. Nearly 60 OGC attorneys participated in these trainings. The trainings featured PBA Pro Bono Coordinator David Trevaskis, MidPenn Legal Services Executive Director Rhodia Thomas, MidPenn Intake

Staff Sally Heffelfinger, DCBA Public Interest Coordinator Sandy Ballard and PLS Executive Director Sam Milkes. Deputy General Counsel David DeVries is overseeing the program for the OGC.

The project is “virtual” in the sense that there is no physical legal clinic location for people to go to for needed legal advice. It is a virtual clinic in the sense that:

- Intake and screening are done via telephone;
- The volunteer OGC attorney offers assistance via the telephone;
- Resources available to the attorney are on the Web; and
- The actual referral is by email.

Project Concept

MidPenn staff screens calls to assure appropriateness of the referral and financial eligibility of the client. For clients with legal needs who cannot be represented by MidPenn, their information will be obtained and forwarded to the next volunteer OGC attorney to offer assistance. The virtual clinic model is convenient and efficient:

- **For Clients** - who do not need to take time off work and find a ride into town to get advice that may only take a few minutes to resolve;
- **For Legal Services** - allows for the maximum of flexibility for legal aid to screen and refer clients who are in need of representation, but who historically have been denied services; and
- **For OGC attorneys** - the volunteer attorneys can make the calls at home in the evenings, on their car phones or from the office at whatever time is more convenient for them.

Project Procedures

The flow of this project is as follows:

Who: OGC attorneys who volunteer to make roughly five calls per year and attend a one-hour training led by MidPenn staff.

What: Assist in problem-solving and/or represent income-eligible MidPenn callers who are in need of legal assistance, but their needs are not currently able to be met through the legal aid network.

How:

- MidPenn Intake Staff tells caller that "an attorney will call you back" if the caller is income eligible.
- MidPenn Staff e-mails caller name, number and general nature of concern to next OGC volunteer.

- If OGC volunteer cannot make call, s/he agrees to email back within 24 hours and MidPenn coordinator goes to next person on list.
- OGC volunteer calls caller within five business days and uses checklist to collect more information and attempts to assist in problem solving.
- OGC attorney reports back to MidPenn coordinator.

May Launch

After the April trainings, the OGC Virtual Clinic was launched on May 1, 2004, as a pilot project — five months from the initial discussion in December. From May 1 to Sept. 30, OGC volunteers assisted 14 callers. Their concerns included four emancipation issues, four names change discussions, three landlord tenant concerns, two issues with drivers licenses and one employment related concern.

Of the 60 OGC attorneys who went through the April training, 24 have been contacted to date. Of those 24, 10 had to "pass" on a call because of vacations or otherwise not being available to return the call within five business days.