

# Handbook for Volunteer Programs



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## **The Mission of the New York State Courts Access to Justice Program**

To ensure access to justice in civil and criminal matters for New Yorkers of all incomes, backgrounds and special needs, by using every resource, including self help services, pro bono programs, and technological tools, and by securing stable and adequate non-profit and government funding for civil and criminal legal services programs.



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## **Welcome to the NYS Courts Access to Justice Volunteer Programs**

Welcome to the New York State Courts Access to Justice Volunteer Programs and thank you for choosing to volunteer with us. We appreciate your time and commitment and it is our goal that your experience is both meaningful and invaluable. Our volunteer programs offer a unique and rewarding opportunity for attorneys and other approved volunteers with experience in all practice areas to perform an important and needed public service. Volunteers provide free court-based legal information, and in some cases advice and limited scope legal services to ensure that unrepresented litigants have access to competent legal advice to guide them.

As a volunteer, you will be working directly with litigants. All volunteers are indemnified by the state for their pro bono services in our programs. This handbook includes information on the operations and procedures of the Court Help Center and the Court as well as important general guidelines for volunteers. In addition, it will provide a better understanding of the mission of the NYS Courts Access to Justice Volunteer Programs. We hope you will find the handbook useful and informative. If you need additional information please call our Access to Justice phone number at 646-386-4205.

## **Limited Scope Representation**

The New York State Unified Court System has developed limited scope representation programs. In these programs, also known as unbundled legal service programs, a volunteering lawyer and client agree that the lawyer will perform a portion of the legal tasks involved in the client's case and that the client will be responsible for the remaining tasks. These tasks can include a court appearance, drafting or reviewing court papers, negotiating and/or documenting a stipulation, or a brief consultation about how to proceed.

### **Attorney Ethics Rules Relevant to the NYS Access to Justice Volunteer Programs**

#### **Rule 6.5: Participation in Limited Pro Bono Legal Service Programs**

(a) A lawyer who, under the auspices of a program sponsored by a court, government agency, bar association or not-for-profit- legal services organization, 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) shall comply with Rules 1.7. 1.8 and 1.9, concerning restrictions on representations where there are or

may be conflicts of interest as that term is defined in these Rules, only if the lawyer has actual knowledge at the time of commencement of representation that the representation of the client involves a conflict of interest; and

(2) shall comply Rule 1.10 only if the lawyer has actual knowledge at the time of commencement of representation that another lawyer associated with the lawyer in a law firm is affected by Rules 1.7, 1.8 and 1.9.

(b) Except as provided in paragraph (a)(2), Rule 1.7 and rule 1.9 are inapplicable to a representation governed by this Rule.

(c) Short-term limited legal services are services providing legal advice or representation free of charge as part of a program described in paragraph (a) with no expectation that the assistance will continue beyond what is necessary to complete an initial consultation, representation or court appearance.

(d) The lawyer providing short-term limited legal services must secure the client's informed consent to the limited scope of the representation, and such representation shall

be subject to the provisions of Rule 1.6.

- (e) This Rule shall not apply where the court before which the matter is pending determines that a conflict of interest exists or, if during the course of the representation, the lawyer providing the services becomes aware of the existence of a conflict of interest precluding continued representation. Rules of Prof. Con., Rule 6.5 Mck. Consol. Laws, Book 29 App., NY ST Rpc Rule 6.5.

### **Rule 6.1: Voluntary Pro Bono Service**

Lawyers are strongly encouraged to provide pro bono legal services to benefit poor persons.

- (a) Every lawyer should aspire:

- (1) to provide at least 20 hours of pro bono legal services each year to poor persons; and
- (2) to contribute financially to organizations that provide legal services to poor persons.

- (b) Pro bono legal services that meet this goal are:

- (1) professional services rendered in civil matters, and in those criminal matters for which the government is

not obliged to provide funds for legal representation, to persons who are financially unable to compensate counsel;

(2) activities related to improving the administration of justice by simplifying the legal process for, or increasing the availability and quality of legal services to, poor persons; and

(3) professional services to charitable, religious, civic and educational organizations in matters designed predominantly to address the needs of poor persons.

(c) Appropriate organizations for financial contributions are:

(1) organizations primarily engaged in the provision of legal services to the poor; and

- (2) organizations substantially engaged in the provision of legal services to the poor, provided that the donated funds are to be used for the provision of such legal services.
  
- (d) This Rule is not intended to be enforced through the disciplinary process, and the failure to fulfill the aspirational goals contained herein should be without legal consequence.

## **Description of Access to Justice Volunteer Programs**

### **Volunteer Lawyers Program (VLP) Civil - Consumer Debt**

Volunteer attorneys provide advice to unrepresented New York City Civil Court Consumer Debt litigants under the supervision of the Civil Court Help Center's Court Attorneys. Volunteer lawyers meet with the unrepresented litigants on a walk-in basis in the Court's Help Centers and review Court papers, help fill out forms and discuss case strategy. This is an advice-only project; volunteers do not represent the litigants in court or file papers on their behalf.

### **Volunteer Lawyer for the Day Program (VLFD) Civil - Consumer Debt**

A volunteer attorneys "covers" cases in a particular courtroom on a specified day. The lawyer meets the client for the first time at the courthouse, and appears on the client's behalf during the day. The representation is complete at the end of the day. The volunteer lawyers primarily represent litigants in vacating default judgments and during settlement negotiations.

### **Volunteer Lawyers Program (VLP) Housing**

Volunteer attorneys provide legal information and advice to unrepresented tenants and owners alongside experienced Court Help Center

Attorneys. Volunteer lawyers review court papers, predicate notices, leases, rent records, eviction notices, and other housing or court related documents. Volunteer lawyers discuss with litigants the strengths and weaknesses of their cases and at times, assist litigants in completing forms. However, they do not represent the litigants in Housing Court or file papers on their behalf.

### **Volunteer Lawyer for the Day Program (VLFD) Housing VLFD**

Volunteer lawyers provide legal representation in certain nonpayment proceedings to unrepresented tenants and owners during their appearance in the Resolution Part of the New York City Housing Court. It is an unbundled legal services program where representation begins and ends the same day. Volunteer lawyers handle the portion of the litigant's nonpayment case that takes place in the Resolution part, not the entire matter.

### **Resolution Assistance Program (RAP) Housing**

RAP trains college students, law students and other approved volunteers to provide in-court assistance to tenants and owners, who are parties to nonpayment proceedings and are appearing without an attorney. RAP volunteers provide non-legal support to unrepresented tenants and owners who are discussing their claims or defenses in

hallway negotiations, encourage unrepresented tenants and owners to talk about the settlement of their cases before a court attorney or judge, where appropriate, inform unrepresented tenants and owners about places to go for further assistance in their nonpayment proceedings, and perform other duties as required.

### **Guardian Ad Litem (GAL) Housing**

The GAL Program recruits, trains, and supervises a pool of GALs who are appointed by Housing Court Judges to advocate on behalf of mentally or physically impaired litigants facing eviction in landlord-tenant cases. Attorneys and non-attorneys are eligible to participate.

### **Family Court Volunteer Lawyer Program**

Volunteer lawyers provide legal advice, procedural and legal information, as well as assistance with initial pleadings in support, paternity, custody, visitation, family offense and guardianship matters to unrepresented litigants in Family Court under the supervision of Family Court Help Center Attorneys.

### **Uncontested Divorce Program**

Volunteer attorneys assist unrepresented litigants with the preparation of uncontested divorce forms at on-site clinics in the Supreme Court Help Centers. Volunteer lawyers do not represent the litigants in court or file papers on their behalf.

## **CLE Credits for Lawyers**

The NYS Courts Access to Justice program is an accredited CLE provider. Free training and practicum with CLE credit is offered in exchange for pro bono services. In exchange for 8.5 CLE credits, volunteers participating in the Housing Volunteer Lawyer Program agree to provide pro bono services for a minimum of 12 hours in any of the Civil Court Help Centers throughout the city within six months of completing training. Housing Court Volunteer Lawyer for the Day Program volunteers agree to serve a minimum of 2 days in the Resolution Part within six months of the training in exchange for 3.5 CLE credits. CLE credit will only be awarded upon completion of the required pro bono practicum.

### **Pro Bono CLE Credits for Lawyers**

As a Volunteer Lawyer you may earn additional pro bono CLE credit for your work in our programs beyond the CLE credits described above. There is a Court Order that the CLE board has approved for court-based pro bono credit. If you are interested in earning pro bono credit for your work in this program, please let us know at the time you schedule your court service. The number of credits is self-reporting, but you need to keep the Court Order for your records.

Attorneys may earn one (1) CLE credit for every six (6) 50 minute hours (300 minutes) of eligible pro bono legal service. A maximum of six (6) pro bono CLE credit hours may be earned during any one reporting cycle. A reporting cycle is the two-year cycle governed by the attorney's biennial attorney registration period. The CLE requirements for newly admitted attorneys differ from those for experienced attorneys. Newly admitted attorneys may not apply pro bono CLE credit to meet their minimum CLE requirements, but may carry it over toward their next reporting period. The Regulations and Guidelines are available on the CLE Web site at [www.nycourts.gov/attorney/cle](http://www.nycourts.gov/attorney/cle). To find out about additional CLE credits currently being offered by the court, follow us on Twitter or check out the News & Announcement page at [www.nycourts.gov/courts/nyc/civil/news.shtml](http://www.nycourts.gov/courts/nyc/civil/news.shtml)

## **Court Help Centers**

One avenue for providing information and assistance to the unrepresented litigant is through our Access to Justice Court Help Centers. These centers are located in Supreme, Civil and Family courthouses and provide free walk-in services to litigants who are not represented by an attorney. Under the supervision of court staff, volunteer attorneys spend full or parts of days in a Help Center, and are available to provide legal advice and assistance to unrepresented litigants by:

- answering questions and inquiries
- completing petitions and other court forms
- preparing for court hearings
- interpreting court orders

Participating attorneys select the court where they wish to serve and the types of cases on which they wish to consult. Matters in which legal assistance is needed include:

- landlord/tenant cases
- consumer debt cases
- family matters (including custody, visitation and child support)
- matrimonial
- uncontested divorce

In each of these areas, the court system will provide free training with CLE credit and you will be required to commit to a specified amount of hours (depending on the program you choose). Attorneys can volunteer just a few hours a week or as frequently as everyday on a schedule that is convenient for them (as long as the required hours are met). For a list of our Civil and Supreme Court Help Center Hours and locations please visit our website at:

<http://nycourthelp.gov/helpcenters.html>

## **Volunteer Guidelines**

### **What is the Difference Between a Volunteer Lawyer and a Help Center Court Attorney?**

Help Center Court Attorneys work for the Court. They can explain court procedures, legal terms, and provide general legal information. They can provide referrals to government agencies, social service organizations and legal services providers. Help Center Attorneys can't give litigants legal advice. Like the Volunteer Lawyers, they provide these services for free. Volunteer lawyers provide legal advice and discuss the strengths and weaknesses of a litigant's case.

### **How to schedule your Volunteer Service:**

#### **Housing Court VLP**

Please visit our website at [www.nycourts.gov/courts/nyc/housing/vlp.shtml](http://www.nycourts.gov/courts/nyc/housing/vlp.shtml) for program locations and hours of operation. Use the online Scheduling Form to submit your availability and courthouse preference. After your request is received, you will be contacted via email with a confirmation. You must bring a copy of this email confirmation with you on your dates of service. Every effort is made to accommodate volunteers' requests.

## **Housing Court VLFD**

The Volunteer Lawyer for the Day program can accommodate up to four lawyers on any date open for service. Please email us at [vlfdhousing@courts.state.ny.us](mailto:vlfdhousing@courts.state.ny.us) to submit your availability.

## **Resolution Assistance Program**

RAP Assistants commit to volunteer a minimum of twenty hours in the Resolution Part of the Housing Court within six months of completing the training. Visit our website at [www.nycourts.gov/courts/nyc/housing/rap\\_participating.shtml](http://www.nycourts.gov/courts/nyc/housing/rap_participating.shtml) for program locations and hours of operation. To schedule your volunteer time, please email us at [RAP@courts.state.ny.us](mailto:RAP@courts.state.ny.us) and submit your availability.

## **Civil Court VLP and VLFD Programs**

If you are interested in these programs, please e-mail us at [vlpcivil@courts.state.ny.us](mailto:vlpcivil@courts.state.ny.us) to submit your availability.

## **Guardian Ad Litem Program**

Scheduling for the Guardian Ad Litem Program is delegated by the Judge in each case. Prospective GAL volunteers must visit our website at <http://nycourts.gov/courts/nyc/housing/GALprospective.shtml> for information about the Guardian Ad Litem Program, application process and training.

## **Family Court Volunteer Lawyer Program**

Please e-mail [ABRITTON@courts.state.ny.us](mailto:ABRITTON@courts.state.ny.us) to submit your availability.

## **Uncontested Divorce Program**

For NY County Supreme Court please e-mail [BKAMMAN@courts.state.ny.us](mailto:BKAMMAN@courts.state.ny.us) to submit your availability.

For Kings County Supreme Court please e-mail [NSOTO@courts.state.ny.us](mailto:NSOTO@courts.state.ny.us) to submit your availability.

For Bronx and Queens County Supreme Court please e-mail [vlpcivil@courts.state.ny.us](mailto:vlpcivil@courts.state.ny.us) to submit your availability.

## **Before volunteering for the first time:**

- Review the training materials and bring the training manual with you to serve as a resource.
- Be sure to wear business attire when providing pro bono services in the courthouse.
- Make sure you have applied for and received your Attorney Secure Pass or Volunteer ID.

- If you are an attorney and have not applied for or received your Attorney Secure Pass, visit a Court Officer Command Center in any of our courthouses for the application and instructions or visit our website at:

[www.nycourts.gov/attorneys/registration/securepass.shtml](http://www.nycourts.gov/attorneys/registration/securepass.shtml).

### **Checking in as a volunteer at the Help Center:**

The typical Help Center team consists of a Help Center Administrator, one or two Court Attorneys, one or more volunteer attorneys, and sometimes one or more law students.

- Introduce yourself to the Help Center Administrator and Court Attorney supervisor(s) when you arrive. The Court Attorney supervisor(s) will be available at all times to provide you with direct supervision and mentoring during your volunteer service. It is expected that you will seek assistance of supervisors when needed.

## **Meeting with the Help Center Visitor:**

- You may not accept a Help Center visitor you have advised as a paying client for yourself or your firm.
- You may not give out business cards to Help Center visitors even if asked.
- Introduce yourself. Be compassionate. Remember that the program exists in part to reassure and guide the unrepresented litigant. Explain that you are an attorney and that the services being offered are free, extend to the duration of your meeting only, and that you are here to provide legal advice based on the information presented.
- Help Center visitors are required to sign a written consent form that explains the limited scope of the legal services being offered before agreeing to participate in the program. The form also gathers information about the litigant's legal problem. Review this document with the litigant to ensure that it is fully understood that:
  - There will be no representation of the unrepresented litigant by the volunteer

attorney (except with limited scope representation volunteer programs).

- ▶ The volunteer attorney will not file court papers.
  - ▶ There will be no ongoing attorney-client relationship between the volunteer attorney and the unrepresented litigant.
  - ▶ All information will be kept confidential.
  - ▶ Ensure that the Help Center visitor understands, in particular, the limited scope of the legal service being provided.
- Be aware that the Help Center visitor may be scared, nervous and reluctant to face the court system, and may be embarrassed about the nature of their legal problem (e.g., debt collection, foreclosure proceeding, paternity proceeding, etc.).
  - Remain respectful and be mindful that the Help Center visitors are largely unfamiliar with legal terminology and some consider it to be nearly incomprehensible.

Understandably, the unrepresented litigant may have a difficult time identifying salient legal facts and issues and presenting them in an orderly fashion.

- Try to assist the Help Center visitor present a clear story by asking for relevant information. For example, you may start with questions such as, "So, what brings you here?", "Were you served with some legal papers?", or "I see you have some papers with you..."
- Your meeting with the Help Center visitor should focus on both providing information and legal advice and demystifying the legal process.
- Some Help Center visitors may be of limited literacy or may have trouble with the English language. One way to assist a person you suspect may be of limited literacy is to ask, "would you like me to read it for you?" or "would you like me to write it for you?"
- If a Help Center visitor needs an interpreter, please let the supervising attorney know so that arrangements can be made. If available, an interpreter will be provided for free.

- Decline to advise the litigant if you have already advised or provided prior representation to the opposing party. Refer this matter back to the supervising attorney.
- Direct the Help Center visitor to another court, legal services organization, government agency or other resource if appropriate.





**UNIFIED COURT SYSTEM**

**New York State Courts  
Access to Justice Program**

[www.nycourts.gov/nya2j](http://www.nycourts.gov/nya2j)  
(646) 386-4200



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