This workshop was held at the 2017 Equal Justice Conference in Pittsburgh, Pennsylvania

Title:
Addressing Gaps in Legal Services Through Collaborative Legal Incubators

Presenters:
Amy Duncan, Louisiana State Bar Association, New Orleans, LA
Stephanie A. Everett, Lawyers for Equal Justice, Inc., Atlanta, GA
Fred Rooney, Texas A&M University School of Law, College Station, TX
Len Zandrow, University of Massachusetts School of Law, Boston, MA

This session will highlight the various models and collaborations that can be formed to develop legal incubator programs that foster viable and sustainable social justice-focused solo practices. Perspectives from a law school (University of Massachusetts School of Law, Justice Bridge), bar association (LIFT Program), and collaborative project involving many organizations (Lawyers for Equal Justice) will be provid
LIFT (Legal Innovators for Tomorrow) Incubator at the Family Justice Center
(A Project of Louisiana State Bar Association Access to Justice, New Orleans Family Justice Center and Southeast Louisiana Legal Services)

February 15, 2017

New Orleans Family Justice Center
701 Loyola Avenue
New Orleans, Louisiana 70130
Addressing the Justice Gap through Collaborative Legal Incubator Programs

ABA/NLADA Equal Justice Conference
Thursday, May 4, 2017
LIFT INCUBATOR PROJECT AT
THE JUSTICE & ACCOUNTABILITY CENTER

Legal Innovators for Tomorrow (LIFT) is a legal incubator program designed to address the legal needs of the underserved and underrepresented by supporting new lawyers build viable and sustainable public interest-focused law firms. Through a collaboration with the Justice and Accountability Center of Louisiana (JAC), LIFT Fellows are working to help address the unmet civil legal needs of people formerly incarcerated in the Re-Entry Court program.

The LIFT Incubator Project at the JAC is for new or transitioning attorneys starting their own solo, small firm, or nonprofit practice. During the 12-month program, incubator attorneys receive training, mentorship, resources, and a stipend based on representation provided. The attorneys work alongside experienced attorneys who are members of the LSBA Re-Entry Court Working group and focused on addressing collateral consequences of Re-Entry Court participants.

**Application Process**

Louisiana licensed attorneys with 0-5 years practice experience who plan to develop or have begun to develop a solo or small law practice and are committed to providing legal representation in ways that decrease recidivism and increase successful reentry are encouraged to apply. The application deadline is April 7. Please send your completed applications in ONE pdf file to amy.duncan@lsba.org.

To learn more about the program go to [www.lsba.org/LIFT](http://www.lsba.org/LIFT)
How to Create Your Pro Bono Training Institute Presentation

To incorporate modern adult learning best practices, all Pro Bono Training Institute (“Training Institute”) presentations state learning objectives and agendas, follow PowerPoint best practices, and implement interactive e-learning tools. To create a Training Institute presentation, please follow these steps:

Step 1. Set Learning Objectives: always have trainers develop the specific learning objectives of that training module. Here are the 4 factors of a well written learning objective:

- **Audience**: The audience will always be the trainees.
- **Action Verb**: The action verb is the most important element of an objective and can never be omitted. The action verb should describe what the trainee will be performing or doing for a pro bono purpose.
- **Condition**: The condition qualifies the trainee’s performance with any practical real-life circumstances to be applied in a pro bono purpose.
- **Standard (Optional)**: The standard to which the trainee’s performance should be set against.

Example Learning Objective: “After this learning experience, trainees (audience) will be able to apply these best practices of adult learning (action verb) within their respective organizations (condition) according to the University’s training standards (standard).”

Step 2. Write an Agenda - After completing writing your learning objectives, write your agenda. The agenda should reflect what areas of law or subtopics need to be discussed in order for the trainees to achieve the training module’s learning objectives. After writing your agenda, state your agenda after the learning objectives.
In an effort to address the increased need for legal representation of detained immigrants in bond proceedings in Central Louisiana, we propose the following innovative project. Through a collaborative model, an organization will host and mentor a new attorney participating as a “Fellow” in the LSBA’s Access to Justice LIFT Legal Incubator Program, who will provide considerable pro bono representation to indigent immigrants. This model will not only address the current need for representation, but will also build future generations of immigration attorneys to continue to address this need.

a. Background

In 2014, a broad coalition of attorneys, judges, nonprofit legal service organizations and other stakeholders convened by the Louisiana State Bar Association formed the Louisiana Working Group to Increase Pro Bono Immigration Representation in order to identify and address particular challenges immigrants in Louisiana face. Within the working group, a subcommittee was designated to examine the perennial problem of access to justice for immigrants detained in Louisiana.

During the same time the Working Group was formed, Legal Innovators for Tomorrow (LIFT), a legal incubator program, was launched to support recent law graduates that are developing solo or small-firm practices to provide legal services to underserved communities. The focus of the LIFT Program is to match public interest solo legal practitioners with clients who have critical unmet legal needs. Through a collaborative effort between the organizations and members of the Working Group, this proposed project will begin to address the unmet need for legal representation of detained immigrants appearing before the Oakdale Immigration Court, located in Central Louisiana.

b. The Need

Each year, in several remote detention facilities in rural Louisiana, U.S. Immigration and Customs Enforcement (ICE) detains thousands of immigrants. On a daily basis, ICE maintains approximately 1,670 detention beds for detainees that circulate quickly through the deportation system, meaning that over 10,000 detainees are brought into Louisiana and deported from these facilities on an annual basis. Their cases are heard at the Immigration Court in Oakdale, a small town in central Louisiana far away from the state’s major cities with immigration attorneys.

The Court at Oakdale has among the highest caseloads and the lowest rates of legal representation of any immigration court in the nation. In 2012, Oakdale completed a staggering 12,000 matters, and in 2011 over 18,000 matters – by far the highest caseloads in the country. During that time only 13% of Oakdale immigration detainees had legal representation at some stage in their proceedings – meaning that at least 87% went unrepresented in their immigration court proceedings. Through court custody hearings, detained immigrants can seek release from detention, typically through payment of a bond.
Justice Bridge Legal Center

Empowering New Lawyers to Deliver Quality, Affordable Legal Services to Clients of Modest Means
Convincing States to Adopt the New Medicaid Eligibility Category, for example, was the topic of a webinar earlier this fall. Together with the lead article in this issue, this webinar shows how advocates can help realize health care reform.

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**Step 3. Creating Your Presentation! PowerPoint Best Practices:** to ensure that the PowerPoint effectively conveys the content of the presentation.

- **Use Size 26 font:** slides should be readable from the front row to the back row of an average sized classroom.
- **Use Fewer Words:** the fewer words used, the more people will listen and learn. State no more than five main points per slide and include no more than 10 words per point.
- **Use Photos or Images:** photos and images are effective visual cues for instruction. When possible, use 1-2 pictures per slide. **Caution:** too many pictures per slide, or using distracting pictures can decrease the effectiveness of your PowerPoint.
- **Use Moving Texts Sparingly:** animated or moving texts can detract from the content. Moving text should be used very sparingly if at all.
- **Slides should not take more than 2 minutes to explain:** As this will be a recorded training, trainees have expressed that they do not want to be viewing the same slide for a long period of time. Some pieces of information or slides may take over two minutes to explain. If this is the case, PBTI will work with you to ensure the viewer still remains engaged.

**Step 4: E-Learning Interactions:** Using our E-Learning software, trainees will respond to portions of your substantive lecture through interactive online quizzes and scenarios. We ideally like each training module to have at least 5-10 questions. Feel free to use the template in the PowerPoint to create the following:

- Question
- Potential Answers
- Explanation as to why each potential answer is correct or incorrect
By Melanie A. Shakarian

Leaders in civil legal services know well the stakeholders interested in the health and vitality of a legal services program’s success: clients, nonprofit partners, and the legal community. Legal services programs often overlook other stakeholders—especially local, state, and federal officials. A strategic communications plan focused on all key stakeholders—including elected officials—is necessary: “No matter how important your cause is, you should not expect that everybody will know about it or even about your organization. Proactive communications is essential to success.”

Competition for recognition as a thought leader in any field is tight. Ongoing strategic communications are necessary for an organization to be seen as the “go-to” group for whatever current event or news item catches the public’s fancy. Being the expert in a field yields advantages for public relations and increases the brand quality for a nonprofit organization. Strategic communications create happier clients, staff satisfaction, more supporters, and a higher public profile.

Such strategic communications can be difficult for legal services organization leaders who need to balance service delivery needs with the administrative tasks to make service delivery possible. Here I highlight why robust strategic communications are necessary for a legal services organization’s long-term success. Based on our experience at the Legal Aid Society of Cleveland, I discuss specifically the whys of strategic communications related to federal government relations.

Defining Strategic Communications

The modern strategic communications movement is rooted in the U.S. military but can apply to civilian life. As defined by the military, strategic communications are focused “efforts to understand and engage key audiences to create, strengthen, or preserve conditions favorable for the advancement of … objectives through the use...”

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of coordinated programs, plans, themes, and messages.”

The military refined the definition after the lessons learned in the Vietnam War regarding both field communications within the war zone and public relations on the home front. Today each branch of the military has a strategic communications command and numerous public relations staff. Strategic communications are necessary in this era of social media, short news cycles, and varied audiences.

Strategic communications must be integral with an organization’s mission and other institutional functions: “Being strategic is not simply reacting to events, but anticipating and creating them. When successfully integrated into other management functions, strategic communications are tools for organizational leaders to use in both day-to-day operations and long-range planning for growth and success of the entire operation.”

When done correctly, strategic communications can be powerful: “All communication informs. All communication conducted with intent does more than merely inform. It educates, reveals, restricts and can elicit strong emotion.”

A Strategic Communications Plan

Strategic communications plan development should be integrated into the overall organizational strategic plan. The mission, vision, goals, and timeline of the strategic plan inform the goals and timeline for any related strategic communications. For a legal services program, this means each element of the overall strategic plan includes strategic communications; all work done for strategic communications should relate to client representation, community engagement, and general advocacy on low-income issues.

A day-to-day plan for strategic communications should be dynamic and viewed as a series of steps. Begin small, perhaps with the simple goal of “informing the public about legal services.” Draft a one-page document to make yourself accountable to your goal. The document should be in outline form, be brief, and highlight:

- the objective: “inform the public about legal services,”
- audiences you need to reach,
- fundamental messages (i.e., your talking points, some outcomes statistics for your program),
- the timeline for the plan, and
- measurements of success.

Use this one-page document to present the plan to the board of directors and leadership staff. Solicit their feedback to gain support; strategic communications are a team effort.

Do not overthink the “plan” or spend hours of time writing a missive. Keep it basic, and keep your goals achievable. Once the plan is conceptualized, you can begin developing relationships to reach your goals.

Relationship Building and Strategic Communications

All nonprofit entities—especially legal services organizations—are rooted in relationships: between clients and attorneys, between the organization and donors, between the staff and organization. The list is numerous.

Strategic communications connect all these relationships seamlessly. How we use language, communicate who we are, and share stories creates an intangible brand for the organization. Strategic communications so ripple that more people than one can imagine are touched.

In fund-raising, cultivation of relationships is central to success. Strategic communications should mimic fund-raisers’ relationship-building tactics: “Mean-

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3 Kathy Bonk et al., Strategic Communications for Nonprofits 1–2 (2d ed. 2008).

Strategic Communications and Relationships with Your Congressional Delegation


meaningful information is, in itself, a form of [donor] acknowledgement. As a matter of fact, it is the ultimate acknowledgement for donors."5 For strategic communications, you need to contact people through mail, e-mail, phone calls, and in-person visits and to contact them regularly, not intermittently. You need to share substantive information about your charity. You must say “thank you”—not once, but numerous times.

Your organization’s investment in time does not need to be great. For Cleveland Legal Aid, the full-time development/communications director is the point person for government relations and strategic communications, equaling 10–15 percent of a full-time employee. Small consulting firms can be engaged to help create strategic communications. Ultimately, however, the responsibility of maintaining strategic communications should rest with full-time staff.

Strategic Communications with Your U.S. Congressional Delegation

Legal services programs’ varied relationships (clients, staff, donors, etc.) form a foundation upon which to build strategic communications. The civil legal aid community has largely ignored strategic communications with government, specifically with local congressional delegations. Whatever the reasons for this neglect, they are dwarfed by the need for strategic communications today. Members of Congress and their staff want to be educated about their constituents’ problems.

Programs funded by the Legal Services Corporation (LSC) are permitted to educate and update their congressional delegation about their local legal services program. In fact, legal services programs have an implicit regular duty to update and keep lines of communication open with their congressional representatives. Members of Congress hold a position similar to your organization’s philanthropic donors and deserve a report on how their investment of LSC dollars is leveraged back in the home district. Such a report is a retrospective on the LSC investment and is quite different from advocating LSC dollars, advocating which Congress does prohibit.6

Do not allow any past negative experiences with congressional offices to influence how you move forward. Expect to get from a congressional district office staffer a complaint similar to “You don’t handle enough cases,” or “Every time I send someone to your office, they don’t get help.” Such comments prompt you to explain your organization’s intake process so that the staffer knows what constituents can expect when they call. You want to explain case-acceptance guidelines so that the staffer learns which matters your organization handles. You want the opportunity to explain the “justice gap” for civil legal aid so that the staffer understands why not all cases are handled.

Do not rest on false assumptions that a member of Congress does not appreciate your organization or care about what your legal aid program does for the community. Keep in mind that the other side may hold an assumption about you as well. Strategic communications help break down such assumptions and build mutual respect.

Matthew Cox, an attorney and president of Cox Consulting Group LLP, works with Ohio organizations to raise brand awareness with elected officials. He believes that “[u]pdates from Legal Aid are helpful to elected officials because they show hard evidence and real data that supports the [Legal Aid] Society’s efforts and mission in Northeastern Ohio.”7 Updates let elected officials know that an organization is active and may be a resource for their constituents.8

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5Penelope Burk, DONOR CENTERED FUNDRAISING: HOW TO HOLD ON TO YOUR DONORS AND RACE MUCH MORE MONEY 98 (2003).
645 C.F.R. § 1612.3 (2012).
7E-mail from Matthew Cox, President, Cox Consulting Group LLP (Aug. 1, 2012) (in my files).
8Id. (“For an elected official to have this information is very important because it will allow him or her to know that the organization is active and that it is a place where the policymaker can potentially refer constituents in need of legal assistance who otherwise might not be able to afford an attorney.”).
Relationship Building with Local Congressional Staff

In late 2009 the Legal Aid Society of Cleveland began educating its congressional delegation about the organization’s work in Northeast Ohio. We identified the congressional delegation (two senators and five House members) that served our entire service area. You can research online which districts encompass your area. If you frequently apply for federal grants, you are often required to have a list of the congressional districts your program serves.

Then we scheduled a meeting with our local congressional district staff offices in the service area. When you schedule such a meeting, simply call the office and ask for a meeting with the “district director,” the point person within the district for the member of Congress.

Once you get a meeting appointment, prepare rigorously. Create talking points or a brief (approximately fifteen-slide) “about us” PowerPoint or both so that you can stay on message. The goals of the meeting are to (1) educate the local congressional staff about your legal services program’s current services and programs and (2) let the local congressional staff know that your organization is available to handle constituent concerns related to civil legal services.

One or two of your organization’s staff leaders should attend the meeting. For Cleveland Legal Aid, the executive director, deputy director, and development director attended. If possible, bring a board member or volunteer leader who may know staffers in the congressional office. Salient points to cover:

- The history of your organization,
- An explanation of civil legal assistance,
- How your organization is funded,
- Who is helped by your organization (demographics, poverty figures),
- How you prioritize cases and the case-acceptance guidelines,
- What happens at intake for a client,
- Practice areas,
- Community partnerships,
- Outcomes data, and
- How the congressional district office can refer cases to legal services.

Upon completing your “about us” presentation, pause and ask the congressional staffer if anything you shared was a surprise. Inevitably the staffer will comment, “I had no idea you didn’t do criminal work,” or “I cannot believe the demand for your services is that high!” Continue the conversation with some additional interesting outcomes statistics or information about an innovative partnership. Take further questions from the congressional staffer. As the meeting comes to a close, you should feel a relationship developing. As you leave, give the staff some legal services brochures and the contact information for your intake attorney who can help troubleshoot constituent concerns and handle any questions about the viability of a case. This “line” into your organization is helpful, as the congressional district offices get hundreds of calls each week from constituents with questions about housing, public benefits, foreclosure, and myriad other civil legal issues.

Susan Rowe, a district staffer for Rep. Marcy Kaptur (D-Ohio), says:

It would not be an overstatement to say we hear daily from people needing legal aid services. We regularly refer people to legal aid, most frequently child support and noncustodial parent issues, eviction and foreclosure. To a lesser extent, we refer people to legal aid for divorce and consumer issues.

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10Matthew Cox notes that foreclosure and health law in particular “are on elected officials’ minds and it is important for them to have data from Legal Aid” (Cox, supra note 7).
Marty Gelfand, counsel and local district office contact for Rep. Dennis Kucinich (D-Ohio), agrees that collaborating with Cleveland Legal Aid is important.12

After the meeting with the local congressional contacts, follow up with a thank-you note. Using e-mail for this is fine. Do not get bogged down in details of how to develop the relationship: just send the e-mail and keep the lines of communication open. Then regularly e-mail to the congressional district staffer a brief “hello” message with a recent success story or news-link about your legal services program. (Calendar this e-mail for monthly or quarterly—otherwise you will not do it!) Because you will have numerous congressional district staffers with whom you are communicating, send the same monthly or quarterly “hello” e-mail to each as a personalized e-mail. At Cleveland Legal Aid we include staffers for each local congressional district office on the regular newsletter mailing list, which is another great way to keep the message alive.

After some months, you will notice that a relationship will have developed with the congressional district staff. You or your intake department contact will be getting regular calls about constituents’ legal questions. When you cannot handle a case, there will be understanding—not animosity—because the congressional staff now can appreciate the challenges your organization faces in turning people away.

Make an effort to visit in-person with the local congressional staff once a year for a standard legal services update. Follow the formula for a formal meeting to demonstrate respect for the congressional district staff, and highlight the professional nature of your organization.

Relationship Building in Washington, D.C.

Once you are in a good routine with the local congressional district staff (after six to twelve months), plan a trip to Washington, D.C., to meet with the congressional staff on Capitol Hill. Tell your congressional district staff that you plan to do an in-person update in Washington, D.C., for the senator or representative. Mention that you would like to meet the representative and any other lead staffer who would appreciate an update from legal services. Ask for the name, phone number, and e-mail address of the office scheduler and lead staffer with whom you should meet. Your congressional district staff will be more than happy to share those details.13

Plan carefully your timing for the trip to Washington. Examine the congressional calendars and schedules so that you visit when both the Senate and House are in session.14 Aim for a trip over a Monday-Tuesday-Wednesday (with all meetings on Tuesday and Wednesday), or a Tuesday-Wednesday-Thursday (with all meetings on Wednesday and Thursday). Many members of Congress now fly home even when Congress is in session. Fridays and Mondays tend to be quieter in Washington.

Determine who should go on your D.C. trip. Ideally the same type of group that would attend a meeting with your congressional district staff should be on the D.C. trip: one to three staff leaders and one community leader, volunteer, or board member. Do not have more than four people. Aim for diversity within your group: at Cleveland Legal Aid we take great care to ensure gender, racial, and other diversity. For community leader, take care to pick a strong supporter of your work so that your leader can be more comfortable being on-the-spot and talking about legal services: your board president, a longtime volunteer, a former Congress member who is an attorney and works with your program, or a high-profile attorney who may have connections with the congressional office.

13For helpful information for contacting congressional offices, see Contacting the Congress, Online Directory for the 112th Congress (Sept. 4, 2012), www.contactingthecongress.org.
14Schedules can be seen at Library of Congress, Congressional Schedules, Calendars (n.d.), http://1.usa.gov/SAh60D.
Keep your budget for the trip tight, but do not be too frugal. Fly in the night before so that you can be well rested and begin meetings by 8:00 a.m. the next day. Use a travel site such as Priceline or kayak.com to find good deals on airfare and hotels. Try to stay at a hotel near Capitol Hill (or at least in D.C.) for easy transportation. Take advantage of a free breakfast offered by the hotel, and plan to eat lunch on the run in one of the many Capitol office building cafeterias. Do not skimp on dinner—you will need to relax and debrief with your team after a long day of meetings. Do not rent a car. Hotels charge too much to park your car, and Washington, D.C., is accessible by public transportation and taxis.

Once you have your D.C. contacts in place, dates set, team ready, and travel logistics confirmed, work on scheduling your meetings with the various offices. If you are holding meetings over two days for about seven to nine congressional offices, plan on one day of meetings from 8:00 a.m. to 5:00 p.m. and another day of meetings from 8:00 a.m. to 1:30 p.m. (if you are traveling home that evening).

Just one point person in your office should schedule the meetings. Your request should be: “A group from _____ will be in Washington, D.C., on _____, and we would like to stop by your office to update the member of Congress on the programs and services we provide our mutual constituents.” Plan on meetings that are thirty minutes long, with thirty minutes of travel time between meetings. Research the office locations where each of your members of Congress work, and try to schedule meetings that are in the same building for the same morning or afternoon.15 This exercise feels messy and complicated at first, but the schedule eventually falls into place once meeting times are settled. If conflicts arise, do not be bashful about calling back a congressional office to adjust the time of a meeting. The office would understand that you are there for a limited time and are trying to arrange meetings with other offices.

Even if you have your calendar set early for a trip to Washington, do not call the congressional office there to schedule a meeting until three weeks in advance at the earliest. Schedules change frequently, and if you call much earlier than three weeks, you run the risk of working hard at a schedule that will only change. Plan on assembling the schedule within one to two weeks of your trip. You should have a finalized schedule one week before you leave.

Once the meeting schedule is final, create a master itinerary for everyone who will travel to Washington so that your team is familiar with the overall plan. If you are LSC-funded, fully brief your team about LSC restrictions and reiterate the educational nature of this trip: you are not there to request anything or discuss legislation. Such activity is prohibited.16

Cleveland Legal Aid has a small binder containing the master itinerary, biographies of each member of the congressional delegation, background information on the current contacts at the congressional district office, and any other facts about the representatives or senators that relate to legal services for the poor.17 Include a map of the congressional districts in such a binder so that you have a quick reference to the particular areas and counties served by the various House members.

If you are visiting your representative for the first time, expect to have all your meetings with junior staffers at the congressional offices. You may have the opportunity for a photograph or brief conversation with your representative. The junior staffers tend to be recent college graduates who are interested in policy and legislation. They probably do

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15The U.S. House of Representatives is in four office buildings known as Longworth, Cannon, Rayburn, and Ford. The U.S. Senate is in three office buildings known as Hart, Dirksen, and Russell.

1645 C.F.R. § 1612.3.

17Gather this information as if for a new supporter. E.g., is the Congress member a former legal services or public service attorney? Is this Congress member a lawyer or married to a lawyer? Did this Congress member attend any recent events at which the Congress member would have met your staff? Any tidbits collected can be a conversation icebreaker.
Strategic Communications and Relationships with Your Congressional Delegation

not know much about civil legal services for the poor and will be anxious to learn more about how your program serves the district. Most members of Congress tend to hire staffers who have a connection to the home district; begin the conversation with some small talk about everyone’s hometown, where one went to school, etc.

After visiting the Capitol a few times, you will develop a relationship with staffers who value your annual update. After two or three years, you will begin meeting with a senior staffer in the office (i.e., a legislative director) or having more substantive meeting time with your representative.

As in meeting with the congressional district staff, you should prepare thoroughly for a meeting with the D.C. congressional offices. Plan on a ten-minute presentation, sharing a few client stories and answering some questions from the congressional staff. The main goal of this meeting is similar to that of your local congressional district staff meeting: to educate the staff about your current services and programs. You are there only to update and educate about legal services.

Take the presentation you created for the local congressional district staff and create a one-page “talking points” sheet that can serve as your team’s script for all the meetings. PowerPoint is too cumbersome for visits to the Washington, D.C., offices; focus on creating a good script of talking points since the Washington office visits tend to be shorter. The talking-points script should be divided among your team so that everyone has a part of the ten-minute presentation. This preparation is important. Cleveland Legal Aid does a pretrip meeting to review the talking points, and all are briefed about their roles.

Also, create a page or two of client vignettes. Pull recent stories from newsletters or thank-you cards from clients. These should be quick and easy-to-understand stories. The vignettes should complement the ten-minute “about us” presentation and highlight what your legal services organization does in the state and congressional district. Be sure to have a geographic variety of stories so that you can use a vignette from each House member’s actual district in your presentation. Client stories help elected officials “better understand the value and services Legal Aid provides.”

No matter how much you prepare, the meetings will feel like they move too fast. This pace is common, and the same congressional staffer who is meeting with you probably has eight other similar meetings throughout the day. You need to keep your presentation punchy and memorable. Be straightforward about your purpose: “We are here to bring you up-to-date on Legal Aid’s services and programs.” You must emphasize that you are not there for any budgetary request or legislation (which, for LSC-funded organizations, is a prohibited activity anyway). You will see the congressional staffer physically relax if you begin the meeting by saying, “We are not here for any request; this is purely an update on how our legal services organization benefits the constituents of the ____ congressional district.”

Your conversations, talking points, and client stories should be mission-focused and aimed at helping a novice understand the outcomes and impact of your legal services program’s work. You are there to make sure that your representative is aware of and updated on your organization’s services to the district’s residents. Leave behind a packet with your recent newsletters, brochures, and business cards.

Have one person in your group take notes at each meeting so that you can record details back in the office about the contacts you make, staffers you meet, and biographical information for each. Enter this information into a relationship database. Cleveland Legal Aid uses Raiser’s

18E-mail me for a copy of Cleveland Legal Aid’s script.

19Cox, supra note 7 (“Client stories and experiences add a real face to the organization, which humanizes the organization, thus maximizing its effectiveness.”).
Strategic Communications and Relationships with Your Congressional Delegation

Edge to track relationships for community engagement, government relations, and philanthropy.20

Follow up with a thank-you note to each person with whom you meet. The thank-you note should be mailed within the week. Cleveland Legal Aid brought thank-you notes to Washington, D.C., wrote them out after each meeting, and used interoffice mail on Capitol Hill to save on postage. Send an e-mail follow-up with an additional thank-you message once you are back home, and send copies to the local congressional district staff so that they are kept apprised of your D.C. contacts.

Part of your meeting or the follow-up should be an invitation to your representative to visit one of your legal services offices in the region. During congressional recess, members of Congress make an effort to visit nonprofit entities and businesses in the district. You similarly need to invite your representative to visit one of your offices and connect with the congressional office scheduler. Such a visit helps your organization develop further rapport with your representative.

Results

What comes of this strategic communications work? With an ongoing relationship, you will see

- a better relationship with local congressional district staff,
- more informed (and better) referrals of clients from local congressional district staff,
- congressional district staff informing other community agencies about your program’s services,
- written invitations from Washington, D.C., office staff, asking your attorneys for feedback and expert advice,
- written invitations from either district or D.C. office staff requesting client stories that can be shared to highlight issues of shelter, safety, or economic insecurity for constituents in the district, and
- your representative visiting your local legal services office.

Strategic communications with congressional staff, or any government entity, through a regular update about legal services are welcomed and needed.21 As noted by one former congressional staffer, who wants to remain anonymous, “the squeaky wheel gets the grease.”22 Your visits are the best way to ensure “that your senators and representatives will know about your work.”23

Yonatan Zamir, an attorney in Representative Kucinich’s office, was a legal services attorney before working on Capitol Hill. Even he acknowledges that being in Washington can distance decision makers from the day-to-day struggles of their constituents, but “[t]he client stories that Legal Aid shares are a healthy reminder.”24

Strategic communications are essential to the long-term success of a legal services organization. The competition for attention among nonprofit entities is great, and an organization can stand out only with a mission-focused strategic communications plan that helps strengthen the organization’s brand. Once you find success with your congressional delegation, you can move to other community leader groups with a similar approach.

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21Cox, supra note 7 (“Promoting your organization’s mission and successes are two of the most important ways to generate credibility with any elected official, which at the end of the day might allow you to be the right person with the right answer.”).

22E-mail from a former congressional staffer (Aug. 8, 2012) (in my files).

23Id. (“When people came to the office and educated me, I sat up and took notice.”).

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Sargent Shriver National Center on Poverty Law
50 E. Washington St. Suite 500
Chicago, IL 60602
Leonard ("Len") Zandrow

+Executive Director of the Justice Bridge Legal Center, an incubator program of the University of Massachusetts’ School of Law.
+Since launching in August, 2014, Justice Bridge has processed over 4,000 matters for modest means clients.
+The planning and creation of this incubator program began in August, 2012.

+Background:
  --12 years of experience and a former partner in one of Boston’s largest civil litigation law firms
  --founder and partner of own law firm since 1995
  -- AV rating from Martindale-Hubbell for over 25 years and a Top-Rated Lawyer in Litigation and Appellate Law
  --overlapping experience as pro bono General Counsel for national disability non-profit for nearly 20 years
Addressing the Challenges of Access to Justice

- 64% of eligible cases were turned away by civil legal aid programs in 2013 due to lack of funding
- 80% of family law applicants and 56% of housing law applicants were turned away from civil legal services in 2013
- The economic class in which the increase in unrepresented litigants is the highest: moderate income (65%)
- 61% of judges surveyed report that the ability of the court to provide equal justice to unrepresented litigants negatively impacted by pro se appearances

Practice Areas of Greatest Need -- Percentage of Judges Reporting Problems Due to Lack of Representation

- Housing   61%
- Family Law 53%
- Consumer  50%
- Public Benefits 35%
- Prisoner Cases 18%
- Immigration 16%
- Other      16%

Justice Bridge’s Practice Areas: Where Unmet Legal Needs Are the Greatest (often highest percentages of pro se representation):

– Family law (divorce, child support, guardianship)
– Housing cases (landlord-tenant disputes, evictions)
– Probate, elder law (wills, trusts)
– Employment law (discrimination, termination)
– Immigration law
– Consumer law, credit and debt consolidation
– Social Security disability appeals
– Special education (eligibility, IEP disputes)
Nuts and Bolts of Incubator Program

- A legal incubator with a current total of **16 incubator attorneys**, 8 attorneys in Boston office and 8 attorneys in New Bedford

- Staffed with **16 volunteer resident mentors** and one, essentially full-time director

- Attorneys **incorporate individually** and obtain their own malpractice insurance

- Attorneys pay **rent on a graduated scale**, beginning at $250/month up to $400/month

- **Justice Bridge provides** mentors, practical skills training, business coaching, low-cost tech and tech support, referrals, discounted memberships in bar associations, and networking opportunities

- **Prospects** referred by program are not eligible for free civil services, but cannot afford market rates (250-300% Federal poverty line in Boston; 200-225% Federal poverty line in New Bedford). Fees range from $50 to $100 per hour based on household income. Rates vary on work attorneys generate on their own.

- Referrals come from community partners
  - Legal services offices
  - State agencies
  - Community non-profits
  - Web site and on-line platforms, partners

**Pursue Justice**
Key Goal: To Provide Legal Service Within People’s Budgets

- Limited scope representation and one-time consultations
- Flat fee, payment plan pricing structures
- Early intervention/conflict avoidance programs
- Expedited mediations, conciliations, “partnering” w/other professionals, holistic approach
- Economies of scale for contract services
- Technology
  - Best practice testing for commercial “small firm” practice module
  - Advertising/Marketing: JustiServ and Legal.io/LawGives
  - Connecting mentors and lawyers
  - Connecting clients and lawyers
  - Training modules, programs and webcasts

Pursue Justice
Providing Resources to Assure a High Quality of Representation

- All representation is provided by recently licensed and insured attorneys in good standing, who consult with retired judges, senior attorneys in legal service organizations, and senior partners in law firms.

- On average, our resident mentors have over 30 years of legal experience.

- We have 57 mentors in total between our two office locations, 16 of whom appear in-residence on a regular basis and 40+ who are available on an on-call basis.
1. **“Recognized Habitability Defenses in Real Estate Possession Hearings”**

**Contact:** Jamie Devine, Marcy Wenzler

**Description:** A standard line in rental possession hearings is that the presiding judge only wants to know, “yes or no, did you pay your rent.” But, the question of rent set-off based on a failure to comply with statutory habitability requirements should be relevant to the inquiry. ILS and the Health and Human Rights (H&HR) Clinic came close to having the issue decided by the Indiana Court of Appeals in the *Reynolds* case. The H&HR brief is on SharePoint [here](#).

**Useful Fact Pattern:** An ideal fact pattern would be one in which the client’s housing is in terrible condition and there is a documented history of the client complaining to the landlord (and the health department.) Reaching out to county health inspectors may create a useful referral source as well as health providers/medical legal partnerships. Preferably, the client will have spent money on repairs or had to absorb high heating/cooling expenses as a result of malfunctioning equipment.1

2. **“The Constitutionality of Mobile Home Park Liens”**

---

1 Working on this issue will also help ILS fulfill requirements under the Bank of America Grant insofar as we have committed to addressing habitability problems.
Contact: John Brengle, Katherine Wood

Description: Indiana law grants a mobile home park (MHP) "a lien upon the property of a guest in the same manner, for the same purposes, and subject to the same restrictions as an innkeeper's lien or a hotel keeper's lien." The effect of the MHP lien is that, whenever a MHP says the tenant is behind in rent or owes the MHP a debt, the MHP can seize every item of the tenant's personal property on the premises, and either sell the items to satisfy a debt, or detain every item of personal property owned by that tenant until the MHP says the debt is paid in full. The statute also bars the tenant from bringing a lawsuit against the MHP to for damages, even if the unsupervised sale of the property is unreasonable.

We believe the MHP lien statute violates Indiana Constitution, Art. 1, § 22 as well as the exemptions set forth in Indiana Code § 34-55-10-2(b)-(c)(2)

Useful Fact Pattern: This fact pattern is relatively simple—anyone whose personal property is threatened with seizure and sale, authorized by a lien, would be an appropriate client. In 2014, Katherine Wood drafted a complaint on behalf of a client, The client decided not to pursue the matter. The pleadings are available on SharePoint here.

3. "Constitutional Challenges to Indiana Department of Revenue Debt Collection"

Contact: Matthew Hutchens, John Brengle, Jamie Andree

Description: The Indiana tax debt collection statute specifically disclaims the exemptions from execution of intangible property. In other words, whereas a judgment debtor on a consumer claim may exempt certain amounts of intangible property, tax debt collectors (Premier Credit) are free to take all. However, Article I, Section 22 of the Constitution of the State of Indiana provides that "[t]he privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale, for the payment of any debt or liability hereafter contracted . . . ." For this reason (as well as other constitutional grounds) we believe this statutory failure to recognize exemptions is unconstitutional.

Useful Fact Pattern: Any case where Premiere Credit seizes more from a tax debtor’s bank account than allowed by Indiana’s exemption statute. A sample complaint may be found in the IDOR and Premiere Collections folder of the consumer materials on SharePoint.

4. "Due Process in Food Stamp and Medicaid Benefits Notices"

Contact: Dennis Frick

Description: When SNAP (food stamps) and Medicaid notices are sent to clients on initial approval or recertification, they may or may not contain a budget demonstrating benefit (or Medicaid liability) amounts. As such, clients may not be receiving the correct amount of SNAP benefits or may have
an inappropriate high Medicaid liability. Our theory is that failure to give proper notice is a violation of due process.

**Useful Fact Pattern:** The ideal fact pattern would probably be one where the benefit recipient has missed an appeal deadline. The theory being had they received proper notice explaining the budgeting and benefit calculations, they could have taken action during the appeal time frame but did not do so. This would potentially be a 42 U.S.C. 1983 claim.

### 5. Revising Trial Rule 4: Protecting Defendants from Bad Copy Service.

**Contact:** Katherine Rybak

**Description:** Indiana’s Trial Rule 4.1(A)(3) allows a defendant to be served a summons by copy service “at his dwelling house or usual place of abode” Unlike Federal Rule 4(e)(2)(B), there is no requirement that the summons be left “with someone of suitable age and discretion who resides there.” Indiana’s rule exposes defendants to default insofar as the Plaintiff would simply need to have the summons left at an address irrespective if the defendant or someone else residing at the residence receives it.

**Useful Fact Pattern:** We are drafting a proposed rule change which we intend to submit in the next few months. It would be useful to have stories of clients finding out about default judgments well after they were entered and the client did not receive notice.

### 6. Revising Small Claims Rule 2: Protecting Debtors from Bad Proof of Debt

**Contact:** Katherine Wood

**Description:** ILS intends to file a petition to amend Small Claims Rule 2(B)(4)(b) to limit the use of “Affidavits of Debt” in collections cases. In the case, *Miller v. LYNV*, Katherine Wood and Katherine Rybak argued unsuccessfully that a trial judgment was incorrectly entered based on an affidavit of debt. The Indiana Supreme Court held oral arguments, but denied transfer (by a vote of 3-2). The issue is whether “affidavits of debt” as described in Small Claims Rule 2(B)(b) unfairly lowers the burden of proof in consumer debt collection matters. Despite unfavorable appellate treatment, the oral argument produced helpful information, including admissions by the attorney for the plaintiff/debt collector that indicated compliance with a stricter rule would not be overly burdensome. The fact that two justices voted to grant transfer also indicates a rule petition may receive serious consideration.
Useful Fact Pattern: Like the Trial Rule Four petition above, this is an issue that doesn’t require a specific case. However, we are still interested in examples of judgments based solely on affidavits of debt.²

7. Ensuring Compliance with I.C. 33-37-3-2’s Indigent Fee Waiver Requirements

Contact: Adam Mueller

Description: ILS attorneys have had mixed results getting County Clerks and Judges to comply with I.C. 33-37-3-2. The problem appears to be Clerks deferring to Judges on fee waiver requests, despite the requirement that they shall waive fees under certain conditions. In turn, Judges are exercising discretion to grant fee waivers that should be handled by the clerks’ office. In some counties, the clerks receive enough filings from ILS such that compliance with the statute is not an issue. But, this is not uniform across the state. The fee waiver statute covers pro bono attorneys as well. As ILS works with volunteer attorneys to assist in cases (such as expungement) it is imperative that Clerks honor I.C. 33-37-3-2’s fee waivers for pro bono attorneys.

Useful Fact Pattern: We are considering a variety of strategies, including an educational push with Clerks. We have also prepared a Petition for a Writ of Mandamus and Prohibition as an original action in the Indiana Supreme Court to be filed if and when an appropriate case presents itself. A useful fact pattern would be any case where, despite efforts, the Clerk refuses to grant a fee waiver and instead defers to the trial court for a ruling.

8. An “Alternative to Publication” Rule Petition

Contact: Crystal Francis

Description: Despite Indiana’s fee waiver petition statute, publication fees remain burdensome for low-income clients. Some causes of action, such as name change petitions, statutorily require publication. However, in other circumstances, where a defendant cannot be located, publication may be done by trial rule 4.13. The problem is that publication fees are paid to the newspaper and therefore cannot be waived by Court order. In many cases, these fees exceed actual Court filing fees. And, publication is often unlikely to result in actual notice of a lawsuit. As a possible remedy, we are considering a petition to amend T.R. 4 to allow for some version of electronic service.

Useful Fact Pattern: As with the other rule change petitions, we are looking for situations in which a client is required to publish a summons or hearing notice, despite having filing fees and other court costs waived. An ideal fact pattern would also be one where publication would be almost completely unlikely to lead to actual notice—for instance, opposing party moves to Mexico.

² Regardless of a rule petition, affidavit of debt issues are something ILS should continue to monitor, especially as they may be an indication of inappropriate consumer debt collection practices (i.e. “robo-signing”).
9. “Narrowing the Scope of Food Stamp Bans for Felony Drug Convictions”

Contact: Chris Baumgartner

Description: Pursuant to federal regulations, anyone convicted of a felony involving the use, possession or distribution of a controlled substance is banned for life from receiving SNAP benefits. States may opt out of this requirement (and most do). Indiana has chosen not to. However, as advocates, we have seen a variety of circumstances in which Indiana appears to apply the ban too broadly—such as conspiracy and maintaining a common nuisance—where the presence of controlled substances are not necessarily elements of the crime. Additionally, it is not clear how the state is treating the interplay with the ban and Indiana’s “Second Chance” statute. Our position should be to ensure clients are not improperly banned due to a misapplication of the felony drug ban.

Useful Fact Pattern: Any case in which a client is denied SNAP benefits based on the felony drug ban should be scrutinized. Additionally, advocates should follow up with clients who have used the second chance statute to restrict access to a felony drug conviction to determine if they have been able to access SNAP benefits.

10. Due Process and Federal Medicaid Law Challenges for Healthy Indiana Plan Members

Contact: Amanda Hall

Description: Indiana’s new HIP 2.0 has led to a dramatic increase in the amount of clients receiving health coverage. The data does not indicate to what extent individuals are having difficulty accessing their benefits. However, client intakes and information from health insurance navigators seems to indicate that once a problem arises, resolving the issue can be incredibly difficult—even for advocates. ILS is working to improve communications with FSSA to ensure problems are resolved as quickly as possible so that our clients can maintain coverage. However, to the extent problems persist, and those problems violate due process or federal Medicaid law, further affirmative action may be required.

Useful Fact Pattern: The public benefits roundtable is interested in any problems that clients may have with HIP 2.0 coverage, but especially problems paying power accounts or accessing services once coverage had been authorized. We are also interested in particular problems on the part of managed care entities (MCE) that contract with the state to administer the program.
Indiana Legal Services, Inc.

Strategic Plan 2017-2020

**Mission:**
Indiana Legal Services uses the law to fight poverty, empower clients, and improve access to justice.

**Vision:**
Dignity, fairness, and equality for all people under the law.

**Goal 1:** Uniformly deliver excellent services and representation to low-income and elderly clients.

**Priority Strategies:**
- Complete a state-wide assessment to determine the services needed by low-income and elderly residents, and act on the results.
- Fully implement centralized intake to ensure consistent access and excellent service delivery for clients throughout the state.
- Establish state-wide priorities for legal service delivery.
- Ensure that certain core legal services are available to clients of every ILS office statewide.
- Develop a user-friendly, searchable internal messaging and resource platform for sharing expertise and ideas easily among ILS offices, based on staff preferences and input.
- Improve the internal functioning of technology systems to enhance intake services and case handling, including developing document assembly programs.
- Empower an Intake Committee to update the intake manual and supervise intake training.
- Hire an Intake Director to manage intake state-wide.
- Review and update the client grievance process.
- Hire a Deputy Director to ensure uniform quality of service delivery throughout the state.
- Annually evaluate the quality of service delivery through surveys and other means.
**Measurable Outcomes:**

- The proportion of ILS advice (A) cases handled by centralized advice staff will increase to 60% in 2017 and 70% in 2018.
- 100% of offices are served through a centralized intake process by 12/31/18.
- 80% or more of clients rate service as good or excellent, based on annual client satisfaction survey results.
- Full sets of document assembly templates are developed and organized for family law, housing, and re-entry cases by 12/31/18; staff to identify other necessary document sets and timetables by 2018.

**Goal 2: Advocate for clients and client communities, especially marginalized populations, to ensure just outcomes.**

**Priority Strategies:**

- Involve every ILS employee in developing a strategic advocacy agenda, and allocate sufficient resources to ensure the agenda is advanced.
- Make necessary adjustments to the strategic advocacy agenda, based on regular evaluations.
- Use data and best practices research to shape ILS’ strategic advocacy agenda, with special focus on populations isolated by age, language, disability, geography, social class, or similar factors.
- Collaborate with the courts and other public and private partners to develop advocacy strategies to meet client needs.
- Foster pro bono services for our client communities within the legal profession, law students, and other volunteers.
- Expand partnerships statewide to integrate legal services into a network of services for clients.
- Within funding restrictions, educate the legislature, other public officials, and the public about the needs of key client communities.
- Develop community legal education initiatives.
- Create and implement Legal Files feature measuring time spent on outreach and community education.
- Build strategic advocacy goals into performance appraisal process for use in year 2018 and after, including time tracking for strategic advocacy.
- Nurture relationships with law schools and universities to develop meaningful connections with students, future lawyers and potential clients.

**Measurable Outcomes:**

- Baseline documentation of time spent on outreach, community education, and strategic advocacy is in place by 12/31/18.
- Policy objectives are specified in advance of each initiative and evaluated at completion.
- No fewer than five sessions per year educating policymakers and the public about the needs of client communities.
Goal 3: Increase visibility and financial support for ILS.

Priority Strategies:
- Implement marketing strategies (e.g. website, multi-language brochures, PSAs, outreach to rural areas) to reach broadly throughout state to potential clients.
- Create a marketing campaign that includes a new logo/branding, impact stories, public narratives that incorporate both staff and board personal narratives, and data showing the value of ILS and the quality of our services.
- Communicate regularly to raise ILS’ profile with attorneys and other stakeholders.
- Leverage community partnerships to increase funding.
- Steward relationships with current funders to ensure ongoing support.
- Expand annual fundraising efforts with attorneys, law firms and others working with anti-poverty efforts.
- Generate expanded funding from a variety of diverse sources (e.g. cy pres awards, attorney’s fees, CLE courses, foundation grants.)
- Involve all board members and staff in fundraising in some way.
- Collaborate with the Coalition for Court Access to develop consistent messaging on the value of civil legal aid in Indiana.

Measurable Outcomes:
- Funding from individuals, law firms and corporations increases by 15% annually.
- The number of contacts in the constituent database increases by 5% annually.
- Contributions from outside Marion & Hamilton counties increase 30% by 12/31/19.
- 100% of board members are donors.
- 80% or more of staff are donors.
- Without driving case selections, attorney’s fees annually generate: $25,000 in 2017; $35,000 in 2018; $50,000 in 2019.
- LSC funding as a percentage of total funding falls from 71% to 55% by 2020.

Goal 4: Enhance organizational and individual accountability and effectiveness.

Priority Strategies:
- Develop a structured process for legal work supervision, and devote sufficient resources to implement it.
- Recruit attorneys, staff, volunteers, and board members who reflect the diversity of the clients ILS serves.
- Develop a robust employee orientation program to ensure all employees understand ILS’ overall direction and purpose.
• Develop HR tools (e.g. job descriptions, management training programs, job performance expectations, evaluation process, staff recognition) to enhance organizational accountability.
• Develop ways to foster and measure individual accountability.
• Assure that ILS personnel policies reflect the values that ILS seeks to promote.
• Streamline the governance structure to engage the board more deeply in promoting ILS’s mission and vision.
• Transfer the knowledge and passion of retiring staff to future ILS leaders.
• Develop succession plans to identify and train staff to fill positions vacated by retiring staff, particularly supervisory staff.
• Deploy staff committees to analyze and implement uniform case acceptance guidelines, case closing procedures, and caseload guidelines.
• Align organizational resources to fund the strategic plan priorities.
• Foster a collegial culture through continued and enhanced use of in-person meetings, videoconferencing, newsletters, and other communication techniques.

Measurable Outcomes:
• Diversity of staff reflects diversity of clients (e.g. race, national origin, gender, disability, sexual orientation and gender identity, veteran status).
• 80% or more of staff rates work satisfaction as good or excellent, as measured by annual survey.
• An average of 80% or more of board members attend board meetings.
• 80% of case handlers’ open and closed cases within caseload guidelines by 12/31/19.
• At least two in-person staff meetings occur each year.
• New employees receive full initial orientation within two weeks of their start date.
• Work planning process is implemented starting with 2018 performance appraisals.
Legal representation for detained immigrants can make or break an individual’s chance at successfully navigating the complex immigration systems and affect the level of efficiency of the Immigration Courts.\(^1\)

c. Collaborative Approach to Addressing the Need for Detained Representation

To address the lack of access to legal representation for detained immigrants in bond proceedings, members of the working group propose an innovative project that will involve collaboration among several organizations. Through ATJ’s Legal Innovators for Tomorrow (LIFT) Program, a new aspiring immigration attorney will be recruited and placed at the hosting site. Mentorship and resources will also be provided to help the LIFT Fellow build a sustainable immigration law practice focused on representing detained immigrants in bond proceedings and other various aspects of immigration law. The Fellow will also assist in offering trainings on representing detainees in bond proceedings. These trainings will be designed to educate, recruit, and increase the number of pro bono volunteer attorneys for bond cases in Central Louisiana.

LIFT is a legal incubator and accelerator program focused on developing the next generation of public interest leaders in the legal profession. Through extensive training, free law office management resources, business development tools, mentorship, and networking opportunities, LIFT assists new attorneys, passionate about serving the unmet legal needs of vulnerable populations, build solo practices that offer new and innovative ways of delivering affordable legal services. Launched in April of 2014, LIFT has assisted more than ten attorneys in the Baton Rouge and New Orleans areas build public interest focused law firms focused on various practice areas.

Through this model, the attorneys will be placed in an area where the need for their services is great, which in turn will help them build a strong client base enhancing their skills and future success. Additionally, this project can serve as a replicable model to decrease the gap in legal representation in other parts of the state, while building the next generation of public interest focused immigration attorneys.

Conclusion:

The Bond Project has real promise to effect change for immigrant detainees and their families. This project will not only directly impact the unmet need for legal representation in bond proceedings now, but will also positively impact the number of future immigration attorneys to address this need in an area where the need is so great. We appreciate your commitment to social justice and interest in supporting the Louisiana LIFT Bond Representation Project.

Step 3. Creating Your Presentation! PowerPoint Best Practices: to ensure that the PowerPoint effectively conveys the content of the presentation.

- **Use Size 26 font**: slides should be readable from the front row to the back row of an average sized classroom.
- **Use Fewer Words**: the fewer words used, the more people will listen and learn. State no more than five main points per slide and include no more than 10 words per point.
- **Use Photos or Images**: photos and images are effective visual cues for instruction. When possible, use 1-2 pictures per slide. *Caution*: too many pictures per slide, or using distracting pictures can decrease the effectiveness of your PowerPoint.
- **Use Moving Texts Sparingly**: animated or moving texts can detract from the content. Moving text should be used very sparingly if at all.
- **Slides should not take more than 2 minutes to explain**: As this will be a recorded training, trainees have expressed that they do not want to be viewing the same slide for a long period of time. Some pieces of information or slides may take over two minutes to explain. If this is the case, PBTI will work with you to ensure the viewer still remains engaged.

Step 4: E-Learning Interactions: Using our E-Learning software, trainees will respond to portions of your substantive lecture through interactive online quizzes and scenarios. We ideally like each training module to have at least 5-10 questions. Feel free to use the template in the PowerPoint to create the following:

- Question
- Potential Answers
- Explanation as to why each potential answer is correct or incorrect
Legal Innovators for Tomorrow (LIFT) is a legal incubator program designed to address the legal needs of the underserved and underrepresented by supporting new lawyers build viable and sustainable public interest focused law firms. Through a collaboration with the Justice and Accountability Center of Louisiana (JAC), LIFT Fellows are working to help address the unmet civil legal needs of people formerly incarcerated.

The LIFT Incubator Project at the JAC is for new or transitioning attorneys starting their own solo, small firm, or nonprofit practice. During the 12-month program, incubator attorneys receive training, mentorship, resources, and a stipend based on the representation provided. The attorneys work alongside experienced attorneys who are members of the LSBA Re-Entry Court Working group and focused on addressing collateral consequences of Re-Entry Court participants.

Louisiana licensed attorneys with 0-5 years practice experience who plan to develop or have begun to develop a solo or small law practice and are committed to providing legal representation to decrease recidivism and increase successful reentry are encouraged to apply. The application process deadline is April 7. Please send your completed applications in ONE pdf file to Amy Duncan at amy.duncan@lsba.org.

**Applicant Information**

- Name: 
- Home Street Address: 
- City, State & Zip: 
- Home Phone: 
- Cell Phone: 
- Email Address: 
- Law School: Date of Graduation: 
- Date of Admission to the Louisiana Bar: Bar No.: 
- Other bar admissions and dates (if any): 
- Years of Practice Experience (if any): 
- Date you are available to begin your practice: 
- List any history of improper conduct or reported incidents to the bar: 

_LIFT Justice. LIFT Solo Practice._
The following documents must be included:

1. A statement of no more than 1000 words indicating why you want to be a solo or small-firm practitioner, why you should be selected to participate in the LIFT Incubator Program, and how you expect to serve underrepresented low and moderate-income persons. Also, include an instance or instances when you have demonstrated entrepreneurial initiative or other experience showing ability to be a successful entrepreneur.

2. A current Resume

3. Business Plan no more than 3 letter-sized pages that includes1:
   a. Area(s) of your proposed practice focus (e.g., family law, consumer law, criminal defense, small business organizations, etc.), your preparation for the area(s) of practice, and how you will handle potential competition in the practice area(s).
   b. Business Summary including mission, objectives and strategy for building a solo or small law practice.
   c. Operations Summary describing operating procedures, staffing and other resources required to carry out your practice.
   d. Marketing Initiatives you will employ during the first 12 months including plans for client development and any existing relationships with client community.
   e. Financial Analysis including sources of capital to pay for practice expenses and estimated budget with first year income and expense projections (1 page max.).

Please initial each statement below indicating your agreement:

________ I understand that eligibility to enter or continue in the LIFT Program requires that I continue to be a member of the Louisiana Bar in good standing. I agree to notify the Program Director immediately of any change in my status or of any action by the Louisiana State Bar Office of Disciplinary taken against me.

________ I agree to carry at all times while I am part of the LIFT Program malpractice insurance and to pay for any tail if the policy is a claims-reported policy.

________ I have read the requirements of the program and, if selected as a participant in the LIFT Program, I agree to abide by and remain compliant with all the rules governing the program.

________ I understand that if chosen to participate in LIFT, I will receive training from third parties who may make suggestions and recommendations regarding application and software usage in my practice and that these recommendations may or may not be endorsed by the Louisiana State Bar Association. I am to use my own discretion when deciding to incorporate these items into my practice.

________ All statements in this application and accompanying attachments are true to the best of my knowledge and reflect realistic projections based on information reasonably available to me. I understand that any material misstatements herein may be the subject of termination of my participation in the LIFT Program should I be selected.

________________________________________  __________________________
Applicant Signature                     Date

Legal Innovators For Tomorrow (LIFT)

Amy Duncan, Esq./MBA

- LSBA Access to Justice Projects and Training Counsel
- Launched in April 2014, built three collaborative incubator projects, developed the practices of 17 incubator attorneys, with an eye towards geographic expansion

Background:
- J.D./M.B.A. Loyola University New Orleans College of Law
- Worked on development of LIFT since inception in 2013 under auspices of Louisiana Civil Justice Center as Program Director
Income and Poverty in Louisiana

- 19% of households are below FPL
- Median income per household is $45,047
- Orleans Parish is even higher at 24% below poverty rate and $36,792 median income per household
- 23% of households earning above FPL but cannot afford basic necessities
- 723,077 struggling households in Louisiana (2014)

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<tr>
<td>8</td>
<td>82,640</td>
<td>103,300</td>
<td>123,960</td>
<td>165,280</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, Louisiana and Orleans Quickfacts (2016, 2011-2015, respectively); United Way ALICE Report for Louisiana, 2016 Update; 2017 federal poverty level chart is for 48 contiguous states and the District of Columbia,
Legal Needs

By working with stakeholders and experts on public interest needs, the following legal needs were identified:

• Family Law – Representing domestic violence survivors in TROs, divorce, child support, spousal support, and community property

• Immigration – Representation in bond cases for immigrants detained in Central Louisiana

• Re-Entry – Representation of returning citizens after incarceration; Louisiana highest incarceration rate per capita, estimated 17,000 released each year
Domestic Violence Project

- **Mission**: To expand legal services offered to survivors of domestic violence by cultivating next generation of public interest attorneys through development of sustainable solo practices.
- **Nuts & Bolts**: Launched in January 2015, 18 month program, 30 pro bono hours per month
- **Collaborators**: New Orleans Family Justice Center, Southeast Louisiana Legal Services, and LIFT
- **Resources**: Office space, internet access, fax, scanner, mentorship, business development, networking, collaboration, and case referrals
Immigration Bond Project

- **Mission**: To increase legal representation in bond cases for immigrants detained in Central Louisiana through a collaborative model that will help build future generations of immigration attorneys to continue to address this need.

- **Nuts & Bolts**: Launched in 2016, 12 month program, 150 hours pro bono

- **Collaborators**: The Pro Bono Project, Louisiana Immigration Working Group, and LIFT

- **Resources**: Secured funding, professional memberships, transportation costs, mentorships, training, and case referrals.
Re-Entry Court Collaborative Lawyering Project

• **Mission:** To reduce collateral consequences and barriers to reentry for Re-Entry Court participants through entrepreneurial lawyering.

• **Nuts & Bolts:** Launched in May 2017, 32 pro bono hours per month, representation and advocacy.

• **Collaborators:** The Justice and Accountability Center of Louisiana, Louisiana Re-Entry Court Working Group, and Access to Justice Commission Building Bridges Committee.

• **Resources:** Mentorship, supervision, stipend, training, business development, case referrals, and networking.
www.lsba.org/LIFT

www.lsba.org/LIFT/LIFTPartners.aspx

Email: amy.duncan@lsba.org
Traditionally, most law graduates launch their careers by joining law firms, corporations, and governmental or legal services organizations. Once hired, they are provided with immediate access to professional training and support, and are assigned a mentor to help them with almost every aspect of their professional development. Yet, for most lawyers venturing into solo or small firm practice, there is little professional support available and the development of skills needed to run a small business can be daunting. At the same time, the cost of most legal services are beyond the means of many working class and middle class citizens, and the unmet need for civil legal services for most Americans has never been greater. Solo and small firm practitioners frequently seek to provide services to underserved communities, but in order to do so for an extended time they must have an economically viable practice model.

The Access to Justice (ATJ) Department of the Louisiana State Bar Association (LSBA) operates the LIFT (Legal Innovators for Tomorrow) Incubator Program to help lawyers build economically viable solo and small law practices that provide significant civil legal services to underserved communities in Louisiana at little or no cost. In collaboration with the New Orleans Family Justice Center (hereinafter “NOFJC” or “Center”) and Southeast Louisiana Legal Services (SLLS), office space, mentoring, and training will be provided to a select few LIFT participants to occupy and establish his or her solo or small law firm.

Like new associates in large firms, all Center law office participants will have access to high-quality training, access to colleagues who can mentor lawyers on their path to success, a team of attorneys to support each other, and ongoing access to a network of other lawyers willing to support development of this program. The Center will provide office space and related amenities, training, and support for Center’s law office participants at its offices in New Orleans. The Center’s lawyers’ presence in underserved communities and will substantially increase access to law while also helping to create jobs and satisfying career options for participating lawyers. After the initial 18 month program period, each participating attorney will be able to use his/her professional skills acquired in the project to support other attorneys in the future. With such tools, each participating attorney will have the skills needed to provide high quality, affordable legal services to the countless number of Greater New Orleans residents with unmet legal needs. The lawyers’ presence in underserved communities will substantially increase access to justice while also helping to create jobs for new law school graduates.

This Operations Manual sets out some of the terms and conditions of participation in the Center’s law office.
Welcome to the LIFT Incubator Program at the New Orleans Family Justice Center Office

The NOFJC, ATJ and SLLS look forward to working with you and your growing business. We are here to assist you in any way we can. This guide has been created for your use. ATJ has prepared a separate agreement that you executed during the application process in which you agreed to certain terms. Those terms apply to this operation’s manual as well. This manual has been created by NOFJC, ATJ, and SLLS to memorialize our relationship with you as you begin your law practice in the offices of the Center.

Please review and sign this manual since participants are required to be familiar with its content and adhere to its procedures. This guide will be updated from time to time and you will receive any changes.

We ask that you always keep in mind the shared “community” nature of the offices provided by the Center. Unique to this venture is the fact that the law office is located in the offices of the Center. The Family Justice Center is nationally recognized for its innovative approach to services for victims of domestic violence, sexual assault, child abuse, elder abuse, and stalking.

Each person in the law office is a sole proprietor, unless and until any other business entity is defined.

You have been selected for this project because you have demonstrated the plans, skills and temperament to grow a viable community-based law office. As such, your commitment to participate in and contribute to the Incubator process and all it has to offer is required. Your active and holistic participation in the multiple aspects of this program will enhance your own experience and success and that of the other and future law office participants. While the Center has much to offer, its success ultimately depends on what all members contribute to it, in their efforts to make it a success.

The Goal

Our common goal is to provide you with the following:
- Resources to help you begin your new practice
- Access to training to further develop your professional skills
- Business knowledge to create and sustain an economically-viable practice
- Time to grow your practice into a viable business entity so that in 18 months, a time that passes quickly, you are ready to move a healthy law practice to your own space and flourish on your own.
GETTING STARTED

It is our goal to make your transition and daily operations at the law office as smooth as possible. In furtherance of this goal, we have devised this set of house rules and regulation for each attorney participant to follow.

WORKPLACE AND OFFICE SPACE PROCEDURES

Responsibility: Although Center participants and the Center maintain separate and independent offices, we all share a collective responsibility for our common space. As such, if you see that something needs to be done in the common areas—whether it is watering a plant, picking up trash, washing dishes, cleaning up the conference room, or something else, please do it. And should you have any questions, please don’t hesitate to ask. The Center welcomes your comments and suggestions.

Confidentiality: With your presence in the Center offices, and the operation of the Family Justice Center and SLLS attorneys at the Center, please remember that this facility is operating as a law office, and as such, all rules of confidentiality apply. If you should inadvertently learn of confidential material, be sure not to repeat that information anywhere at any time.

The Center provides support for a network of local providers of services to victims of domestic violence and clients and providers of direct service will come to the NOFJC. The identity of such persons is confidential and should not be disclosed to anyone without express authorization from an officer of the Center. Clients of the law office participants are of course welcome to the Center’s offices, but clients who are involved in the criminal justice system should not come to the office without clearance from the Family Justice Center’s Service Coordinator or Director of Operations.

Sound and Vibes: This office space is open and sound travels. Avoid loud conversation that may have a negative impact on those around you. While the Center has provided private office space for the lawyers, loud sounds carry and can be distracting. The common rule is to be considerate of others just as you would want them to be of you.

Office Front Door: The Center’s entrances must remain locked and closed at all times. If you are expecting someone, let the Center’s receptionist know so they can screen and put the appointment in the calendar. Immediately report any lost keys and badges. You are responsible for documenting all scheduled appointments in the Appointment Desk Calendar.

You have access to the office on weekends and evenings. On the weekend or evenings, when you come into the office, check to see whom else is in the office and say hello to ensure that others in the office are not startled by your unanticipated arrival. The Center will provide coded electronic cards for your entrance and exit.

Privacy: Do not repeat information you may hear about others who are sharing space in the offices. Each of us (including you) is entitled to and requires privacy. It may seem interesting, amusing, or otherwise satisfying to share stories about others in the office, but it is a serious breach of professionalism if you are not in a secure, private location. Additionally, if there is a problem with a co-worker, please deal directly with that person. If that does not resolve the
issue, contact ATJ Projects and Training Counsel, Amy Duncan. To air the concern in any other forum is disparaging, embarrassing, unprofessional, and possibly even defamatory.

**Office Dress:** During the week, we maintain a minimum of business casual in the common areas of the office. Everyone should look like they are at work. No jeans, no flip flops, and no exposed body parts. Client impressions are based, inter alia, on the overall appearance of the space and the professional appearance of all the people encountered in the space.

**Conference Rooms:** Reserve a conference/interview room with the Center’s Service Coordinator. If your plans change, please let the Service Coordinator know as soon as possible. Time is allotted on a basis of “First Come, First Served.”

You should exercise the same considerations regarding sound in the conference rooms as in your office. No unreasonable noise. After you use a conference room, check to make sure it is clean and tidy. For the big conference room, do a quick clean up to make sure it is clean for the next users.

**Your Office:** Please restrict yourself to “quiet enjoyment” of your office. Sights, sounds and smells should not come out to bother others. You are responsible for keeping your own office clean. Items which belong to you must be stored within your office unless you have made other arrangements with the Center.

**Kitchen:** Please be neat, considerate and reasonable. Label anything you intend to keep in the fridge and dispose of anything that has passed its useful life. If it is not labeled, it may be thrown out. Do not take what isn’t yours. Bottled water is for drinking only. If you need water for some other purpose, use tap water or provide your own.

If you use kitchen equipment (dishes, plates, cups, mugs, etc.), be sure to clean and replace any equipment you do use.

After using the microwave, sink, and other surfaces, be sure they are clean. If you carry food or beverage between the kitchen and your office, be sure you can do so without spilling anything.

**Restrooms:** Please leave the restroom as clean as you found it.

**Trash:** Participants are required to maintain a neat workspace. We expect collaborative responsibility for the overall neatness of common areas.

**Lights:** Lights are controlled by the Post Office. However, if you come in on weekends, you will be responsible for turning the lights on and off. You will be shown how to turn your section’s lights on and off.

**Treatment of Others:** Some days are tense for you, or you received disappointing news, or you are treated poorly by a client or advisory. Do not pass on the bad vibes to others. Be very sensitive to how you treat staff members, including the staff of the Alliance. Everyone is entitled to kindness no matter what stresses and distresses you are experiencing.
Questions: Any questions, concerns, complaints and requests should generally be directed to Program Director Amy Duncan or the Center’s Executive Director Mary Claire Landry. General questions should be directed to the Director of Operations, or the Service Coordinator.

SERVICES

Copier/Fax/Scanner

A plain paper copier/fax/scanner machine is available for your limited use. However, you are advised to supply your own printer and access to a fax service to maintain confidentiality and efficiency. The recommended fax service is myfax.com ($10/month).

Telephone

A phone and phone line will be provided by NOFJC. You may use this as your direct line for your clients and your website.

Internet Access

Participants will be entitled to use SLLS’s wireless Internet access at the NOFJC. Please keep in mind that internet access is for professional use only and not for downloading anything that is not related to your law practice. A violation of this policy will result in the suspension of one’s right to free wireless service. Please see Evelyn Bryant or Nicole Gaither from SLLS for access information.

Utilities

Heat, water, gas, electricity and air conditioning are included in your NOFJC participation fee.

FACILITIES

Emergency Exits

You must familiarize yourself with the emergency exits located throughout the building. In the event of a fire, you should use the staircase as an emergency exit and refrain from using the elevator.

Extended Absence

If you anticipate being away from the office for an extended period of time for any reason, please advise NOFJC’s Service Coordinator and ATJ’s Project Counsel, Amy Duncan, so that we can make arrangements to have your mail and shipments put in your office and so we know how to contact you in case of emergency.
GENERAL POLICIES

Billing

Participation fee for lawyers joining the NOFJC will be $150 per month for the first six months of the program and may be subject to increase following the first six months.

Participation fees are due on the first of the month. A fifty dollar ($50.00) late fee will be assessed if amount due is not paid by the tenth day of each month. Other charges are due within thirty days of your receipt of an invoice. All fees and charges must be made by check or money order payable to the “New Orleans Family Justice Center.” Following receipt of a check with insufficient funds to cover payment, the NOFJC will require all future payments to be made by cashier’s check or money order.

Malpractice Insurance

You are required to carry your own full-time malpractice insurance. You must submit proof of malpractice insurance before you will be allowed to occupy an office and failure to maintain malpractice insurance will be grounds for termination. Additionally, referrals through SLLS and the Center will only be made to participants who have a valid malpractice policy in effect and have submitted proof of malpractice insurance to Program Director Amy Duncan upon either written or verbal request.

Trainings

CLASSROOM TRAINING PROVIDED BY THE CENTER IS MANDATORY. In addition to classroom training offered by the Center, there will be training sessions offered by the LSBA and SLLS, some of which will be mandatory as well.

Referrals from the FJC Legal Network

Referrals from the FJC Legal Network (SLLS, Project SAVE, and Tulane DV Clinic) will be made to attorney participants in the Center’s law office. As a condition of participating in the Center’s law office, all attorney participants are expected to provide 30 hours per month of pro bono assistance to FJC Legal Network clients. The FJC Legal Network and other partner agencies will also seek to identify “low bono” cases that attorney participants will handle as agreed upon on a case by case basis. “Low bono” hours are strongly encouraged but there is no particular number of hours required. “Low bono” and pro bono cases can include matters referred by the FJC Legal Network and other referring agencies. “Low bono” services shall refer to application of a sliding scale fee structure based on the income of the prospective clients. All Center attorneys shall act in good faith in tracking, monitoring, and reporting their pro bono and “low bono” hours, consistent with this manual. SLLS will only refer pro bono cases for handling by FJC Legal Network attorneys.
In the event future funding is obtained for legal services to be provided to low income clients by Center law office participants, then the Center will establish procedures in conjunction with the funding agency to guide assignment of cases or other legal services to participants.

If funding is obtained for legal services described above, various factors will be considered when determining which Center participants will be chosen to participate in any fee-generating programming. They include, but are not limited to the following:

- **An individual’s proven competence in a particular area of law.** Level of competence is a discretionary determination that will be made by individuals with a high level of expertise in a particular area of the law. If a participant is chosen to assist in a fee-generating project and it is later determined that she/he lacks the proper skills to handle cases effectively, she/he will be asked to discontinue providing services. This decision is also discretionary and will be made by the attorneys who oversee a particular project.

- **Attendance at training classes.** To receive compensated assignments (if funding is obtained in the future), any Center participant must attend training in such subjects if provided by the Center including family law, immigration law, landlord/tenant law, contract law, or other specialty areas. Appointments with clients and court appearances should be scheduled in a manner that does not conflict with the schedule of training. Individuals who fail to comply with this requirement will not qualify for participation in any fee-generating initiatives.

- **Professional Responsibility requires a sharp attention to details and high level of dependability.** Factors that will be taken into consideration when determining which Center participants will be chosen for inclusion in any fee-generating services will include the following:
  - Punctuality
  - Responsibility
  - Timely responses to telephone calls, emails, other means of communication and requests for an RSVP. It is assumed that when Center sponsors seek a response from all participants, the response will be forthcoming within a 24-hour period.
  - Taking full and pro-active responsibility for your clients’ cases including all aspects of quality lawyering, and keeping proper records of your case work.
  - Keeping and submitting all requested forms and records, and meeting for case reviews, as required by the funded programming.
  - Full participation in all Center-sponsored meetings.
  - Willingness to assist in Center-sponsored pro bono programs.

**Smoking**
Smoking is not allowed in the building.

**Waiver and Amendment**
The Center may waive any one or more of the policies and procedures at their sole option and discretion, but that waiver shall not be construed as a waiver of these policies and procedures in favor of any other individual, nor prevent us from thereafter enforcing any policy or procedure against any or all of the Incubator participants.
The policies and procedures in this manual are in addition to, and do not in any way amend the terms and conditions of any lease or participation agreement for an Incubator office. We are not responsible to any participant for the nonobservance or violation of policies and procedures by any other participant or member/employee of the Center.

The Center reserve the right to rescind any of the policies and procedures in this manual and to make future policies and procedures that, in our judgment may from time to time be necessary or desirable.

By signing this document, you acknowledge and agree to the aforementioned procedures and policies throughout the period in which you occupy the office space at NOFJC.

__________________________________                     __________________
LIFT Participating Attorney                               Date Signed