

Legal Work Standards
for
Center for Arkansas Legal Services (CALs)
&
Legal Aid of Arkansas (LAA)



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CALS-LAA LEGAL WORK STANDARDS

TABLE OF CONTENTS

Introduction and Statement of Purpose.....2

1. Client Relations

Standard 1.1 Establishing Effective Relationships.....3

Standard 1.2 Establishing Clear Mutual Understandings
Through Use Of Retainer Agreements.....3

Standard 1.3 Preservation Of Confidences.....3

Standard 1.4 Fees And Costs.....3

Standard 1.5 Client Participation In Representation.....4

Standard 1.6 Keeping Clients Informed..... 4

Standard 1.7 Responsiveness To Client Needs..... 4

Standard 1.8 Institutional Stature And Credibility..... 5

II. Internal Controls And Quality Assurance

Standard 2.1 Timely Action And Meeting Deadlines.....5

Standard 2.2 Professional Records And Files.....5

Standard 2.3 Zealous Representation.....6

Standard 2.4 Case Acceptance And Productivity.....6

Standard 2.5 Casehandler Competence And Commitment...7

Standard 2.6	Work Of Non-Attorney Staff.....	7
Standard 2.7	Purpose And Importance Of Supervision.....	7
Standard 2.8	Training.....	7
Standard 2.9	Use Of And Contributions To Poverty Law Resources.....	8

III. Practice Standards

Standard 3.1	Initial Analysis Of Client Problems.....	8
Standard 3.2	Case Planning.....	8
Standard 3.3	Investigation.....	9
Standard 3.4	Legal Research And In-Depth Analysis.....	10
Standard 3.5	Counsel And Advice.....	10
Standard 3.6	Use Of Appropriate Informal, Non- Adversarial Approaches.....	10
Standard 3.7	Negotiated Resolutions.....	11
Standard 3.8a	Litigation – <u>Strategy</u>	11
Standard 3.8b	Litigation – <u>Legal Pleadings</u>	11
Standard 3.8c	Litigation – <u>Motions</u>	11
Standard 3.8d	Litigation – <u>Formal And Informal Discovery</u>	12
Standard 3.8e	Litigation – <u>Trial Preparation</u>	12
Standard 3.8f	Litigation – <u>Trial And Hearing Presentation</u>	12

Standard 3.8g	Litigation – <u>Enforcing Judgments</u>	12
Standard 3.8h	Litigation – <u>Preservation Of Record For Appeal</u>	13
Standard 3.8i	Litigation – <u>Appellate Practice</u>	13
Standard 3.9	Contested Administrative Hearings.....	14
Standard 3.10	Full Range Advocacy.....	14
Standard 3.11	Termination Of Representation.....	14

INTRODUCTION

Ours is a nation of laws that seeks, through its commitment to equal justice under law, to promote a fundamental sense of fairness and equity. Because we recognize that full realization of that promise requires the broadest possible access to the protection of the laws, the vision and mission of CALS and LAA is to *improve the lives of low income Arkansans by championing equal access to justice for all*. We know that our work is of critical importance in supporting families, protecting children, securing economic opportunity and preserving the sanctity of the home. We know, too, that our efforts help to produce stable and productive lives, which in turn sustain viable and healthy communities. Conversely, we are aware that, when access to justice is delayed, diluted, or denied, families disintegrate, violence escalates, children and frail elderly are victimized, economic productivity becomes welfare dependency and the ranks of the desperate and homeless swell. And yet, the sad reality in Arkansas is that nearly half of the 20% of our citizens who need and are eligible for legal aid must be turned away due to lack of resources.

The purpose of these Legal Practice Standards is to guide all CALS and LAA staff in carrying out their mission with the highest possible degree of accountability, professionalism, efficiency, creativity, and respect for the dignity of clients. The Standards are primarily directed at day-to-day client representation, performance evaluation and supervision of legal work. However, they are also designed and intended to foster those strategies and efforts most likely to have a lasting and positive impact on clients' lives. When appropriate, the Standards are explicitly referenced to the core topics of the LSC Criteria; the ABA Standards; the ABA Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases; and NLADA's Ten Core Values of a Civil Legal Aid System which are readily available at:

<http://www.abanet.org/legalservices/sclaid/downloads/civillegalaidstds2006.pdf>

<http://www.lsc.gov/pdfs/LSCPerformanceCriteriaReferencingABAStandards.pdf>

<http://www.abanet.org/domviol/docs/StandardsCommentary.pdf>

<http://www.nlada.org/DMS/Documents/1213120131.6/Ten%20Core%20Values%20Page.pdf>

CLIENT RELATIONS

Standard 1.1 – Establishing Effective Relationships

CALS AND LAA STAFF SHALL RELATE TO ALL CLIENTS AND APPLICANTS FOR SERVICE IN A WAY THAT PRESERVES CLIENT DIGNITY, FOSTERS CONFIDENCE AND TRUST IN THE STAFF MEMBER AND IN THE PROGRAM, AND THAT PROMOTES EFFECTIVE PROFESSIONAL RELATIONSHIPS CONSISTENTLY WITH ABA STANDARDS 4.1- 4.7, AND LSC PERFORMANCE CRITERIA – PERFORMANCE AREA TWO.

Standard 1.2 – Establishing Clear Mutual Understandings Through Use Of Retainer Agreements

A RETAINER AGREEMENT SHALL BE SIGNED WITH EACH CLIENT: TO ESTABLISH A CLEAR MUTUAL UNDERSTANDING REGARDING THE SCOPE OF REPRESENTATION; TO ESTABLISH THE NATURE OF THE RELATIONSHIPS BETWEEN CLIENTS PROGRAM AND STAFF; AND TO CLARIFY THE RESPONSIBILITIES OF EACH.

Standard 1.3 – Preservation of Confidences

CONSISTENT WITH ETHICAL AND LEGAL RESPONSIBILITIES, CALS AND LAA STAFF MUST PRESERVE INFORMATION RELATING TO REPRESENTATION OF A CLIENT FROM UNAUTHORIZED DISCLOSURES. (SEE ABA STANDARD 4.3).

Standard 1.4 – Fees And Costs

CASEHANDLERS EMPLOYED BY CALS OR LAA SHALL NOT ACCEPT A CLIENT OR APPLICANT FOR SERVICES AS A PRIVATE CLIENT FOR A FEE, OR OTHERWISE RECEIVE A FEE FROM SUCH INDIVIDUAL. CLIENTS SHALL BE FULLY INFORMED AT THE INITIATION OF REPRESENTATION

REGARDING THE CALS AND/OR LAA POLICIES REGARDING COSTS OR FEES.

Standard 1.5 – Client Participation In Representation

SUBJECT TO THE LIMITATIONS IMPOSED BY LAW AND ETHICAL OBLIGATIONS, CASEHANDLERS SHALL ABIDE BY CLIENTS' DECISIONS REGARDING THE OBJECTIVES OF THE REPRESENTATION AND SHALL CONSULT WITH CLIENTS THROUGHOUT THE REPRESENTATION REGARDING THE MEANS USED TO ACHIEVE AGREED-UPON OBJECTIVES. (CONSISTENT WITH ABA STANDARD 2.6, AND TO THE EXTENT PERMITTED BY ETHICAL CONSTRAINTS, CALS AND LAA STAFF SHOULD STRIVE TO ACHIEVE BOTH CLIENTS' OBJECTIVES AND LASTING RESULTS THAT RESPOND TO THE LOW INCOME COMMUNITIES' MOST COMPELLING LEGAL NEEDS).

Standard 1.6 – Keeping Clients Informed

CASEHANDLERS MUST KEEP CLIENTS REASONABLY INFORMED OF THE STATUS OF THEIR CASES. (SEE, e.g., LSC PERFORMANCE CRITERA, PERFORMANCE AREA TWO, INQUIRY #4).

Standard 1.7 – Responsiveness To Client Needs

CASEHANDLERS SHALL BE AWARE OF THE LEGAL NEEDS OF CLIENTS IN THE CONTEXT OF THEIR LIVES. TO ACHIEVE THAT AWARENESS, CALS AND LAA CASEHANDLERS ARE EXPECTED TO INTERACT WITH THE COMMUNITY, INCLUDING MAJOR AND DISTINCT SEGMENTS OF THE POPULATION, AND TO PARTICIPATE IN PERTINENT ACTIVITIES OF THE CLIENT AND LEGAL COMMUNITIES. BASED ON SUCH INTERACTION, TOGETHER WITH OTHER RELEVANT INFORMATION, CALS AND LAA STAFF SHALL PARTICIPATE ACTIVELY IN COMPREHENSIVE PLANNING WITHIN THEIR OFFICES AND/OR SPECIALTY UNITS TO MEET THE SUBSTANTIVE NEEDS OF THE CLIENT COMMUNITY. (SEE ABA STANDARD 2.1 AND ASSOCIATED COMMENTARY).

Standard 1.8 – Institutional Stature And Credibility

CALS AND LAA CASEHANDLERS SHALL COMPORT THEMSELVES IN A MANNER THAT REFLECTS FULL RECOGNITION OF THE FACT THAT THE PROFESSIONALISM OF STAFF ENHANCES THE INSTITUTIONAL STATURE AND CREDIBILITY OF THE PROGRAMS WHICH IN TURN STRENGTHENS THEIR CAPACITIES TO ACHIEVE CLIENT OBJECTIVES.

II. INTERNAL CONTROLS AND QUALITY ASSURANCE**Standard 2.1 – Timely Action And Meeting Deadlines**

CALS AND LAA CASEHANDLERS MUST MEET ALL DEADLINES IMPOSED BY LAW OR APPLICABLE PROCEDURES AND DISPOSE OF ALL CASES WITH REASONABLE PROMPTNESS IN LIGHT OF THE CLIENT'S NEEDS, THE COMPLEXITY OF THE CASE, AND THE CASEHANDLER'S OTHER COMMITMENTS AND RESPONSIBILITIES. TO PROPERLY DISCHARGE THIS RESPONSIBILITY, EACH CASEHANDLER MUST CALENDAR ALL MAJOR EVENTS AND LOG AND MEET MAJOR WORK DEADLINES IN THE REPRESENTATION OF CLIENTS. (SEE, e.g., LSC PERFORMANCE AREA THREE, CRITERION 1, INDICATOR #6).

Standard 2.2 – Professional Records And Files

A FILE WILL BE ESTABLISHED FOR EACH CLIENT THAT COMPORTS WITH LSC PERFORMANCE AREA THREE, CRITERION 1.b, AND THAT:

- **RECORDS ALL MATERIAL FACTS AND TRANSACTIONS**
- **PROVIDES A DETAILED CHRONOLOGICAL RECORD OF WORK DONE ON EACH CASE OR MATTER**
- **SETS FORTH TO THE EXTENT NECESSARY AND APPROPRIATE, A PLANNED AND REGULARLY UPDATED**

STRATEGY THAT DELINEATES KEY STEPS TO BE TAKEN WITH A FIRM TIMETABLE FOR THEIR COMPLETION, AND

- **MINIMIZES DISRUPTION IN THE EVENT THE RESPONSIBILITY FOR CONTINUING REPRESENTATION MUST FOR ANY REASON BE TRANSFERRED**

Standard 2.3 – Zealous Representation

GIVEN THEIR DUTY OF ZEALOUS REPRESENTATION OF THEIR CLIENTS' INTERESTS, CASEHANDLERS SHOULD AVOID REJECTION OF A STRATEGY MERELY BECAUSE OF ITS COST. CASEHANDLERS ARE ENCOURAGED RATHER TO IDENTIFY THE POSSIBILITY OF SUCH COSTS IN THE CASE PLANNING PROCESS AND TO SEEK APPROVAL OF SUCH EXPENDITURES AS SOON AS THE POTENTIAL COST IS IDENTIFIED. (SEE ABA STANDARD 6.6 AND LSC PERFORMANCE AREA THREE, CRITERIA 1.a., AREAS OF INQUIRY #s 5-7).

Standard 2.4 – Case Acceptance And Productivity

CASES WILL BE ACCEPTED ONLY IN ACCORDANCE WITH THE CASE ACCEPTANCE POLICIES AND PROCEDURES OF CALS AND LAA. A CASEHANDLER WILL MAINTAIN A CASELOAD THAT REFLECTS AN APPROPRIATE LEVEL OF PRODUCTIVITY, AS INDICATED IN THE UNIT OR OFFICE CASELOAD RECOMMENDATIONS. LEGAL WORK WILL BE ASSIGNED AND INDIVIDUAL CASELOADS ESTABLISHED ACCORDING TO THE FOLLOWING CRITERIA:

- **THE CASEHANDLER'S SPECIFIC LEVEL OF EXPERIENCE, TRAINING, AND EXPERTISE**
- **THE STATUS AND COMPLEXITY OF THE CASEHANDLER'S EXISTING CASELOAD**
- **THE CASEHANDLER'S OTHER WORK RESPONSIBILITIES**
- **THE AVAILABILITY OF ADEQUATE SUPPORT FOR AND SUPERVISION OF THE PERFORMANCE OF THE CASEHANDLER**

- **THE CASEHANDLER’S NEED FOR EXPOSURE TO APPROPRIATE PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND EXPERIENCES**
- **PROGRAM PRIORITIES AND PROTOCOLS, AND**
- **OTHER RELEVANT FACTORS THAT DIRECTLY AFFECT THE PERFORMANCE OF LEGAL WORK**

Standard 2.5 – Casehandler Competence And Commitment

CLIENTS OF CALS AND LAA ARE ENTITLED TO REPRESENTATION BY PERSONS WHO ARE COMPETENT, SENSITIVE TO CLIENTS, AND COMMITTED TO PROVIDING HIGH QUALITY LEGAL SERVICES. (SEE CORE VALUES 1-4 OF NLADA’S TEN CORE VALUES OF A CIVILLEGAL AID SYSTEM).

Standard 2.6 – Work Of Non-Attorney Staff

PARALEGALS, LAW STUDENTS AND OTHER LEGAL ASSISTANTS ARE EXPECTED TO COMPLY WITH ALL APPROPRIATE ETHICAL REQUIREMENTS AND PROFESSIONAL STANDARDS. (SEE, e.g., ABA STANDARD 7.12 ON ADMINISTRATIVE HEARINGS)

Standard 2.7 – Purpose And Importance Of Supervision

CASEHANDLERS ARE EXPECTED TO WELCOME SUPERVISION AND TO COOPERATE IN THE SUPERVISORY SYSTEMS THAT ARE ESTABLISHED BY CALS AND LAA BOTH TO MAXIMIZE THEIR GROWTH AS ADVOCATES, AND TO ASSURE THAT EACH CLIENT IS COMPETENTLY REPRESENTED. (SEE, e.g., LSC PERFORMANCE AREA THREE, CRITERION 1.b., INDICATOR #3).

Standard 2.8 – Training

CONSISTENT WITH CALS AND LAA POLICY AND AVAILABLE RESOURCES, ALL STAFF SHOULD AVAIL THEMSELVES OF PROGRAM-SPONSORED AND OTHER TRAINING OPPORTUNITIES THAT ARE APPROPRIATE TO THEIR FUNCTIONS AND RESPONSIBILITIES. (THE IMPORTANCE OF TRAINING IS APPROPRIATELY EMPHASIZED IN ABA STANDARD 6.5

AND LSC PERFORMANCE AREA THREE, CRITERION 1.b, INDICATOR #4).

Standard 2.9 – Use Of And Contributions To Poverty Law Resources

CALS AND LAA STAFF ARE EXPECTED TO SUPPORT EFFORTS TO ASSURE THE AVAILABILITY OF ADEQUATE RESOURCES FOR APPROPRIATE LEGAL RESEARCH BY ACTIVELY PARTICIPATING IN EFFORTS TO MAINTAIN, AND BY REGULARLY UTILIZING, BRIEF BANKS AND OTHER INTERNAL AND/OR EXTERNAL SYSTEMS DESIGNED TO FOSTER HIGH QUALITY WORK. (SEE, e.g., LSC PERFORMANCE AREA THREE, CRITERION 1.b., INQUIRY #6).

III. PRACTICE STANDARDS

Standard 3.1 – Initial Analysis Of Client Problems

EACH INSTANCE OF REPRESENTATION SHALL BEGIN WITH AN INITIAL EXPLORATION OF THE CLIENT'S PROBLEM WHICH:

- **BEGINS DEVELOPMENT OF A CONFIDENT, TRUSTING RELATIONSHIP;**
- **ELICITS KNOWN FACTS AND CIRCUMSTANCES PERTINENT TO THE CLIENT'S PROBLEM;**
- **TENTATIVELY IDENTIFIES THE LEGAL ISSUES PRESENTED;**
- **ESTABLISHES INITIAL CLIENT OBJECTIVES; AND**
- **INFORMS THE CLIENT ABOUT THE NATURE OF THE LEGAL PROBLEM AND THE NEXT STEPS TO BE TAKEN BY BOTH THE CLIENT AND THE CASEHANDLER.**

(SEE ABA STANDARDS 7.1 AND 7.4, AND LSC PERFORMANCE AREA THREE, CRITERION 1 (b), INDICATOR #1).

Standard 3.2 – Case Planning

CONSISTENT WITH PROGRAM POLICY, EACH CASE-HANDLER SHALL COMPLETE AN OPENING MEMORANDUM FOR EACH CASE FOR WHICH S/HE IS RESPONSIBLE. THE NATURE AND EXTENT OF THE MEMORANDUM SHALL DEPEND UPON THE COMPLEXITY OF THE FACTS AND ISSUES IN THE CASE, BUT AT A MINIMUM, IN ALL CONTESTED OR NON-ROUTINE MATTERS, THE MEMORANDUM SHALL INCLUDE A STATEMENT THAT SETS FORTH THE RELEVANT FACTS, THE ISSUES, A CASE PLAN, AN EVALUATION OF THE STATUTE OF LIMITATIONS, IF ANY, THAT IS RELEVANT TO THE CASE, AND A TIMETABLE FOR COMPLETION OF THE PRELIMINARY TASKS. EVERY CASE PLAN SHOULD:

- **RELATE THE MATERIAL FACTS TO THE LEGAL ISSUES RAISED BY THE CLIENT'S PROBLEM;**
- **IDENTIFY APPLICABLE LAW AND AVAILABLE REMEDIES;**
- **ENABLE THE CLIENT AND CASEHANDLER TO MAKE KNOWLEDGEABLE DECISIONS CONCERNING THE OPTIONS AVAILABLE TO PURSUE THE CLIENT'S OBJECTIVE(S) AT EACH STAGE OF THE REPRESENTATION, WITH FULL CONSIDERATION OF AVAILABLE RESOURCES AND OF THE RISKS AND BENEFITS OF EACH OPTION; AND**
- **BE REVISED AND UPDATED REGULARLY, BASED ON THE RESULTS OF THE LEGAL RESEARCH AND ANALYSIS, FACTUAL INVESTIGATION, DISCOVERY AND OTHER FACTORS THAT AFFECT THE CONDUCT OF THE CASE.**

(SEE, e.g., ABA STANDARDS 7.6, 7.7, AND LSC PERFORMANCE AREA THREE, CRITERION 1, INDICATOR #1).

Standard 3.3 – Investigation

FOR THE REASONS DETAILED IN ABA STANDARD 7.5, EACH CLIENT PROBLEM MUST BE ADEQUATELY INVESTIGATED TO ESTABLISH ACCURATE AND THOROUGH KNOWLEDGE OF ALL RELEVANT FACTS, FAVORABLE OR UNFAVORABLE TO THE CLIENT'S POSITION.

Standard 3.4 – Legal Research And In-Depth Analysis

THE CASEHANDLER SHOULD ANALYZE EACH MATTER AND RESEARCH PERTINENT ISSUES TO DETERMINE THE RELATIONSHIP BETWEEN THE CLIENT'S PROBLEM AND EXISTING LAW, AND WHETHER THERE IS A GOOD FAITH BASIS TO SEEK EXTENSION, MODIFICATION, OR REVERSAL OF EXISTING LAW THAT IS UNFAVORABLE TO THE CLIENT. THE RESULTS OF THE LEGAL RESEARCH AND ANALYSIS MUST BE APPROPRIATELY RECORDED AND PRESERVED IN THE CLIENT RECORDS. (SEE, e.g.: LSC PERFORMANCE AREA THREE, CRITERION 1 (b), INDICATOR 3, BULLET POINT 1; AND RULE 11 OF THE ARKANSAS RULES OF CIVIL PROCEDURE).

Standard 3.5 – Counsel And Advice

THE CASEHANDLER SHALL EFFECTIVELY COUNSEL AND ADVISE THE CLIENT AT ALL STAGE OF THE REPRESENTATION. THIS REQUIRES THAT THE CASEHANDLER:

- **ASSIST THE CLIENT TO IDENTIFY AND DEFINE THE LEGAL PROBLEM AND REACH A MUTUAL UNDERSTANDING CONCERNING THE CLIENT'S OBJECTIVE(S) IN SEEKING LEGAL ASSISTANCE;**
- **IDENTIFY AND EVALUATE THE MEANS AVAILABLE TO ACHIEVE THE CLIENT'S OBJECTIVE(S); AND**
- **EXPLAIN TO THE CLIENT AS CLEARLY AS POSSIBLE THE ADVANTAGES, DISADVANTAGES AND POTENTIAL RISKS OF EACH SIGNIFICANT OPTION SO THAT THE CLIENT MAY EFFECTIVELY PARTICIPATE IN DECIDING UPON THE MEANS BY WHICH THE CLIENT'S OBJECTIVE(S) ARE PURSUED.**

Standard 3.6 – Informal Representation

THE CASEHANDLER SHOULD PURSUE INFORMAL AND/OR NON-ADVERSARIAL REPRESENTATION WHEN IT MAY

ACCOMPLISH THE CLIENT'S OBJECTIVE(S). (*SEE ABA STANDARD 7.10*).

Standard 3.7 – Negotiated Resolutions

NEGOTIATIONS SHOULD BE PLANNED AND CONDUCTED ACCORDING TO A THOROUGH ANALYSIS OF THE FACTS AND LAW RELATED TO THE MATTER AND SHOULD BE CONDUCTED WITH AN ADVERSE PARTY SO AS TO FURTHER THE ACCOMPLISHMENT OF THE CLIENT'S OBJECTIVE(S). A FORMAL AGREEMENT WITH THE ADVERSARY MUST NEVER BE ENTERED INTO WITHOUT THE CLIENT'S FULL UNDERSTANDING AND SPECIFIC AUTHORIZATION. (*SEE ABA STANDARD 7.9, AND LSC PERFORMANCE AREA THREE, CRITERION 1, INDICATOR 2, BULLET POINT 3*).

Standard 3.8a – Litigation – Strategy

IN MATTERS INVOLVING LITIGATION, A CLEAR, LONG RANGE STRATEGY FOR PROSECUTION OR DEFENSE OF THE CLIENT'S CLAIM SHOULD BE DEVELOPED, AND SHOULD BE PERIODICALLY REVIEWED IN LIGHT OF NEW DEVELOPMENTS IN THE CASE AND IN THE GOVERNING LAW. (*SEE, e.g., ABA STANDARD 7.11-1 AND COMMENTARY, AND LSC PERFORMANCE AREA THREE, CRITERION 1b, AREA OF INQUIRY 11*).

Standard 3.8b – Litigation – Legal Pleadings

PLEADINGS SHOULD BE DRAFTED SO AS TO PRESERVE AND ADVANCE THE CLIENT'S CLAIM IN ACCORD WITH THE REQUIREMENTS OF APPLICABLE LAW. (*SEE ABA STANDARD 7.11-2 AND COMMENTARY*).

Standard 3.8c – Litigation – Motions

CONSISTENT WITH ABA STANDARD 7.11-3, MOTIONS SHOULD BE CONSIDERED TO PROMOTE THE SUCCESSFUL,

EXPEDITIOUS AND EFFICIENT RESOLUTION OF THE LITIGATION IN THE CLIENT'S FAVOR.

Standard 3.8d – Litigation – Formal and Informal Discovery

FORMAL DISCOVERY SHOULD BE UTILIZED WHEN APPROPRIATE TO THE CASE, SHOULD BE THOROUGHLY PREPARED, AND SHOULD SEEK TO OBTAIN NECESSARY INFORMATION IN A TIMELY MANNER AND IN A USEFUL FORMAT. (SEE ABA STANDARD 7.11-4 AND ASSOCIATED COMMENTARY).

Standard 3.8e – Litigation – Trial Preparation

TRIAL PREPARATION SHOULD BE SUFFICIENTLY THOROUGH SO THAT THE ATTORNEY IS ABLE TO ANTICIPATE DEVELOPMENTS AT TRIAL AND, TO THE MAXIMUM EXTENT POSSIBLE, INFLUENCE ITS COURSE. (SEE ABA PERFORMANCE STANDARD 7.11-5 AND LSC PERFORMANCE CRITERIA AREA THREE, CRITERION #1, INDICATOR #2, BULLET #3).

Standard 3.8f – Litigation – Trial And Hearing Presentation

ALL MATTERS SHOULD BE PRESENTED IN A MANNER THAT IS APPROPRIATE TO THE RULES, PROCEDURES AND PRACTICES OF THE TRIBUNAL, AND THAT REFLECTS THOROUGH AND CURRENT PREPARATION IN THE FACTS AND THE LAW. (SEE ABA PERFORMANCE STANDARD 7.11-5)

Standard 3.8g – Litigation – Enforcing Judgments

WHEN A FAVORABLE JUDGMENT, SETTLEMENT, OR ORDER IS OBTAINED, REASONABLE STEPS SHOULD BE TAKEN TO ENSURE THAT THE CLIENT IS ABLE TO RECEIVE THE FULL BENEFIT THUS CONFERRED, UNLESS A PRIOR AGREEMENT HAS BEEN ENTERED INTO WITH THE CLIENT THAT THE PROGRAM WILL NOT UNDERTAKE ENFORCEMENT EFFORTS.

(SEE, e.g., ABA PERFORMANCE STANDARD 7.11-6 AND NLADA CORE VALUE #7).

Standard 3.8h – Litigation – Preservation Of Record For Appeal

A CASEHANDLER SHOULD REMAIN AWARE OF POSSIBLE FACTUAL AND LEGAL BASES FOR AN APPEAL AND SHOULD MAKE A DELIBERATE DECISION WITH APPROPRIATE CLIENT PARTICIPATION AS TO THE NEED TO PRESERVE SUCH ISSUES FOR APPEAL IN THE LIGHT OF OVERALL LITIGATION STRATEGY. (ABA PERFORMANCE STANDARD 7.11-7).

Standard 3.8i – Litigation – Appellate Practice

WHEN THERE IS AN ADVERSE APPEALABLE JUDGMENT OR ORDER, A DECISION WHETHER TO APPEAL SHOULD BE MADE IN ACCORD WITH THE PERTINENT CALS OR LAA POLICY. THE DECISION SHOULD BE BASED ON:

- 1. THE MERITS OF THE CLIENT’S APPEAL;**
- 2. PROGRAM PRIORITIES AND AVAILABLE RESOURCES;
AND**
- 3. THE POTENTIAL BENEFITS AND RISKS OF PURSUING
THE MATTER.**
- 4. THE DECISION TO TAKE OR NOT TAKE AN APPEAL
SHALL BE MADE IN A TIMELY MANNER. IF AN APPEAL IS
NOT GOING TO BE UNDERTAKEN BY THE PROGRAM
THE CLIENT SHALL BE SO ADVISED IN SUFFICIENT
TIME TO SEEK PRIVATE COUNSEL AND THE CLIENT
SHALL BE ADVISED OF THE DEADLINE FOR THE
APPEAL.**

THE CLIENT SHALL BE ADVISED AT THE OUTSET OF THE REPRESENTATION THAT PROSECUTION OR DEFENSE OF AN APPEAL BY THE PROGRAM IS NOT AUTOMATIC. IF THE APPEAL IS PURSUED IT MUST BE PROSECUTED OR DEFENDED

WITH ALL DUE DILLIGENCE. (SEE ABA PERFORMANCE STANDARD 7.11-7 AND ASSOCIATED COMMENTARY).

Standard 3.9 – Contested Administrative Hearings

REPRESENTATION OF CLIENTS IN ADJUDICATORY ADMINISTRATIVE HEARINGS SHOULD BE CARRIED OUT IN A MANNER APPROPRIATE TO THE PROCEDURES AND PRACTICES OF THE HEARING TRIBUNAL AND SHOULD MEET THE STANDARDS SET FORTH IN STANDARDS 3.8a THROUGH 3.8i AS APPROPRIATE.

Standard 3.10 – Full Range Advocacy

TO THE EXTENT THAT THEY ARE ALLOWED BY LAW AND ARE CONSISTENT WITH CLIENT OBJECTIVES, CASEHANDLERS SHOULD UTILIZE ALL FORMS OF REPRESENTATION INCLUDING ADMINISTRATIVE RULE-MAKING, LEGISLATIVE REPRESENTATION, COMMUNITY LEGAL EDUCATION AND ECONOMIC DEVELOPMENT. (SEE ABA PERFORMANCE STANDARD 7.13 AND ASSOCIATED COMMENTARY, LSC PERFORMANCE AREA THREE, CRITERION 1b, AND NLADA CORE VALUE #5).

Standard 3.11 – Termination Of Representation

REPRESENTATION OF A CLIENT MAY BE TERMINATED WITH THE APPROVAL OF THE CASEHANDLER’S SUPERVISOR OR MANAGEMENT DESIGNEE WHEN ONE OF THE FOLLOWING APPLIES:

- 1. THE CLIENT’S OBJECTIVE HAS BEEN MET, OR FURTHER REPRESENTATION WILL NOT BENEFIT THE CLIENT COMMENSURATE WITH THE RESOURCES REQUIRED;**
- 2. THERE HAS BEEN A FAILURE OF THE CLIENT TO COOPERATE WHICH PREVENTS THE EFFECTIVE REPRESENTATION OF THE CLIENT;**

- 3. UPON WITHDRAWAL BY THE CLIENT;**
- 4. IT HAS BEEN DETERMINED THAT THE CASE HAS NO MERIT;**
- 5. A SUBSTITUTION OF COUNSEL HAS BEEN DULY FILED AND APPROVED;**

- 6. THERE HAS BEEN A CHANGE IN THE CLIENT'S ELIGIBILITY AND WITHDRAWAL IS CONSISTENT WITH THE PROGRAM'S ETHICAL RESPONSIBILITIES TO THE CLIENT.**

THESE CRITERIA ARE CONSISTENT WITH *LSC PERFORMANCE AREA THREE, CRITERION 1* AS WELL AS WITH *RULE 1.16 OF THE ARKANSAS RULES OF PROFESSIONAL CONDUCT.*