

DEFINING THE ROLE OF LAY LEGAL ADVOCATE

ARIZONA BAR FOUNDATION & ARIZONA DOMESTIC VIOLENCE LEGAL ASSISTANCE PROJECT

LEGAL ADVOCATE PREPARER PILOT GOALS & OBJECTIVES

- Increase access to FREE legal help for domestic violence victims throughout Arizona
- Create a path using existing systems and partnerships to allow lay legal advocates a greater role in their advocacy: define their ability to help with court forms and their role as an advocate.
- Relieve demand from legal aid programs to complete court forms
- Improve court form filing accuracy, self-represented litigant outcomes, access to legal aid and volunteer lawyer help
- Strengthen court, judicial staff, lawyer and lay legal advocate partnerships and collaboration throughout Arizona.



ACCESS TO JUSTICE – DOMESTIC VIOLENCE

Domestic Violence Legal Assistance Project

- 20 Year statewide collaboration between: DES, AZ Bar Foundation, 13 DV Programs (18 locations), 3 Legal Aid Orgs (21 office locations), VLP
- Free legal assistance and lay legal advocacy to victims of domestic violence with civil legal needs – no criminal advocacy.
- Each year, approx. 13,200 new & continuing victims of domestic violence receive services from DVLAP programs
- Foundation's role is to provide advanced training, quarterly reporting, project monitoring & oversight

DVLAP Services for Clients

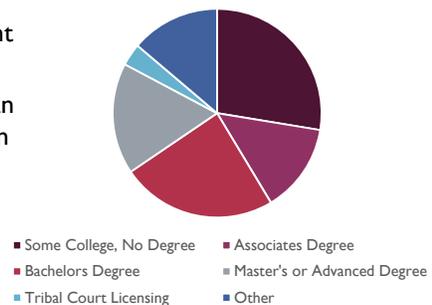


ACCESS TO JUSTICE – DOMESTIC VIOLENCE

Domestic Violence Legal Assistance Project - 2016 SURVEY

- Throughout Arizona, approximately 50-70 lay legal advocates
- Less than 1/3 of programs require “bachelors degree or equivalent experience” for lay legal advocate positions
- Of advocates surveyed: 47% focus on civil legal assistance less than 10 hours a week, 25% between 10-20 hours a week, 11% between 20-30 hours a week, 15% over 30 hours a week.
- Of advocates surveyed: 84% with bachelors or advanced degree, education was not focused on legal system.
- Of advocates surveyed: 100% had received advanced lay legal advocacy training.

Education



ROLE OF THE LAY LEGAL ADVOCATE

Basic Services

- Provide general information about court procedures and logistics
- Provide, verbally or in writing, general information about court rules, terminology, procedures and practices
- Inform clients of legal services available – legal aid programs, pro bono, lawyer referral programs, low cost legal services
- Assist client in selecting correct forms based on what s/he wants to pursue or request from the court (general forms only, referral to attorney for direction on more complicated matters)
- Assist client to understand what information or documentation is needed to complete forms
- Play supportive role providing court accompaniment (court accompaniment = supportive role in the room)

ROLE OF THE LEGAL ADVOCATE PREPARER

Expanded Services - Forms

- Upon completion of supervision & certification, select and complete limited types of forms in limited areas of law on behalf of domestic violence victim
- Review completed forms to determine whether forms are complete
- Review client's documents prior to hearings to determine whether procedural requirements have been met.

ROLE OF THE LEGAL ADVOCATE PREPARER

Expanded Services – Court Accompaniment

- Sit with the client at litigant table, with appropriate identification to judge.
- Provide notes or reminders to litigants only where and when necessary.
- Provide statements of fact to judge or other court personnel – but only if asked direct factual questions by judge/court personnel.
- Take notes during conference or hearing to discuss with client afterwards.
- In supportive role only, accompany client in conference with judge or during hallway negotiations with opposing counsel (lay legal advocates will not provide negotiation or representation on victim's behalf, will not advise victim on what to do).

ROLE OF THE LEGAL ADVOCATE PREPARER

Prohibited Services

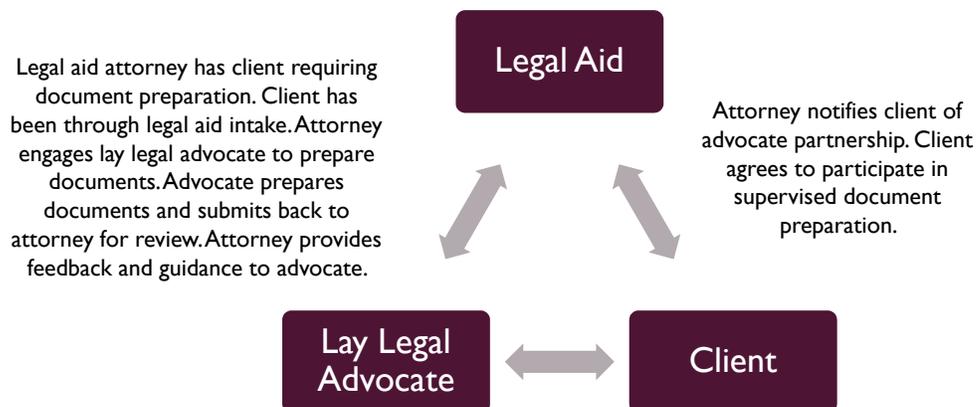
- Provide legal analysis, strategy, or advice.
- Recommend whether a case should or should not be brought to court or order appealed or not appealed.
- Give an opinion about the outcome of the case.
- Represent a client in court.
- Disclose information in violation of a court order, statute, rule, order or case law.
- Tell the client how s/he should word any substantive content in court pleadings.

PILOT PARTICIPANTS

- Lay legal advocates & legal aid attorneys funded by DVLAP
- All participants employed by non-profit organizations, no fee for services
- Six to Ten pilot locations:
 - Flagstaff, Phoenix, Tucson
 - Casa Grande, Cottonwood, Douglas, Kingman, Nogales, Page, Payson, Safford, Sierra Vista, Winslow, Yuma
 - Lay Legal Advocates meet training/education requirements
- Contract Addendum: Lay legal advocates agree to be supervised, Legal aid agrees to supervise, Foundation's role is as administrator of pilot



PILOT - SUPERVISION PROCESS



FOCUS OF EXPANDED SCOPE OF ASSISTANCE



Family

Separation/Divorce, Legal Decision Making, Parenting Time, Child Support, Guardianship, Post Decree Modification



Housing

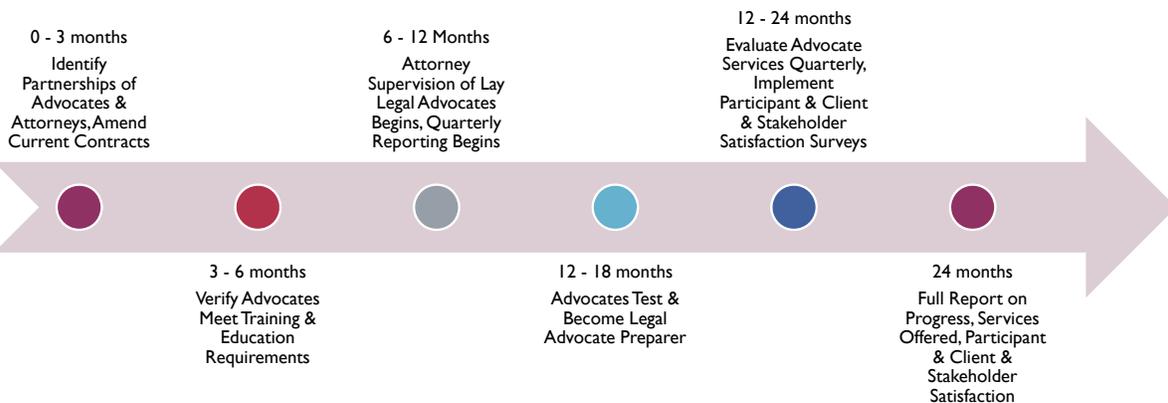
Landlord/Tenant – Health, Safety, Eviction, Foreclosure, Public Housing



Stability, Safety & Rights

Obtaining/Preserving Protective Orders, Public Benefits, Victims' Rights, Safety Planning (securing documents)

PILOT PROJECT 24 MONTH TIMELINE



DVLAP PILOT – KEY COMPONENTS

- 24 Month Timeline
- No additional costs - Advocates & Attorneys already funded by Domestic Violence Legal Assistance Project, AZ Bar Foundation already administers Project
- Advocates supervised by legal aid attorneys for Legal Advocate Preparer certification
 - 6 month (w/college degree) – 1 year supervision (w/o college degree)
- Pilot project evaluation

LEGAL ADVOCATE PREPARER PILOT – NEXT STEPS

Approve Pilot Project ‘Legal Advocate Preparer’

- Must meet the training requirements for domestic violence victim advocates in accordance with ARS §12-2239
 - “F. To qualify for the privilege prescribed in this section, a domestic violence victim advocate must have at least thirty hours of training in assisting victims of domestic violence. A portion of this training must include an explanation of privileged communication and the reporting requirements prescribed in section 13-3620.”
- Must be employed by a nonprofit community based social service organization
- Must provide lay legal advocacy services at no cost
- Must have received minimum of 20 hours of lay legal advocacy training
- Must complete 10 hours of advanced training within first year of supervision and minimum of 10 hour advanced continuing education training each year after

DVLAP PILOT PROJECT OVERVIEW

- Replicable throughout Arizona w/DV, Replicable to Other social service programs (food banks, utility assistance, housing programs)
- Nonprofit organization holds certification, lay legal advocate completes supervision and testing
- Focused Group includes Rural & Metro Areas
- Uses Existing Infrastructure at No/Low Cost
- Increases Capacity of Lay Legal Advocates & Legal Aid Programs
- Includes Project Oversight, Monitoring and Tracking of Progress, Lay Legal Advocate Supervision & Pilot Evaluation



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