

SENATE BILL #2174

Title: A Bill to Establish a Formal Agreement, Authorize Additional Changes, and Identify New Performance Standards for the Students' Attorney Program

Date: March 28, 2007

Authors: Executive Reece; President Jordan

Sponsors: Senators Carroll, Harris, Lawson, Lemaster, and Thoman

1. WHEREAS, the Students' Attorney Program (SAP) has been a valuable program
2. for the students of the University of Wyoming since its inception in 1974; and
3. WHEREAS, there is a continued need to improve the access and legal services
4. provided to students by the SAP; and
5. WHEREAS, the Associated Students of the University of Wyoming (ASUW)
6. passed Senate Bill #2109 to significantly improve the Students' Attorney
7. Program; and
8. WHEREAS, the ASUW has completed the implementation of Senate Bill #2109
9. which includes the recent development of the Students' Attorney Database; and
10. WHEREAS, there is a need to reestablish the performance standards for the
11. Students' Attorney originally authorized by Senate Bill #2109; and
12. WHEREAS, in the spring of 2005 significant changes were made to the program
13. by the Dean of Students Office (DOS) without the consent of the ASUW; and
14. WHEREAS, the ASUW and the DOS are both interested in ensuring the long-
15. term success and continued cooperation over the administration of the SAP; and
16. WHEREAS, there is a need to formally recognize the joint administration of the
17. SAP between the ASUW and the DOS office; and

18. WHEREAS, the SAP would benefit greatly from part-time clerical support; and
19. WHEREAS, the administration of the SAP would improve by authorizing the
20. ASUW to again manage and monitor the annual budget for the SAP.
21. THEREFORE, be it enacted by the Associated Students of the University of
22. Wyoming (ASUW) Senate that the Memorandum of Understanding
23. (Addendum A) be adopted by the ASUW; and
24. THEREFORE, be it further enacted that monies equivocating $\frac{3}{4}$ of a part-time
25. benefited office assistant be allocated to the DOS office for its support for the
26. clerical needs associated with the operation of the SAP; and
267 THEREFORE, be it further enacted that the ASUW Business Manager regain
28. control over the management of the SAP budget; and
29. THEREFORE, be it further enacted that the Students' Attorney adhere to the
30. performance standards identified in Addendum A; and
31. THEREFORE, be it further enacted that the Students' Legal Services Committee
32. revisit the Memorandum of Understanding and all changes proposed by this
33. legislation after one year to recommend additional changes that may be needed to
34. improve the SAP.

Referred to: Committee of the Whole

Date of Passage: April 17, 2007

Signed: _____

UNANIMOUS

Rebecca Prefurn
(ASUW Chairperson)

"Being enacted on April 17, 2007, I do hereby sign my name hereto and
approve this Senate action."

Jim Pugh
ASUW President

STUDENT ATTORNEY PROGRAM MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is between the **Students' Attorney Program (SAP)**, by and through the **Dean of Students Office (DOS)**, and the **Associated Students of the University of Wyoming (ASUW)**. It sets forth the general terms of understanding between the parties in connection with the SAP. The parties agree and understand as follows:

1. **Purpose:** The SAP will be a partnership between ASUW and the DOS. This agreement establishes the duties that both the DOS and ASUW have in the administration of the SAP. The SAP has historically demonstrated its value on campus as an educational program that provides students with information regarding their rights and responsibilities as citizens of the campus community. The DOS and ASUW recognize the importance of the SAP and seek to establish a mutual commitment to ensure the future success of the program. This agreement defines the commitments ASUW has made to the SAP and establishes the responsibilities of the DOS in the daily operation of the program.
2. **Description:** The ASUW Students' Attorney Program offers legal services to all fee paying UW students. The Program is funded through the allocation of a portion of the mandatory ASUW fee collected each semester from students. Consultation services provided by the Students' Attorney Program are free to fee paying students. Administrative fees may be assessed by the Students' Attorney for the preparation of legal documents, including living-wills or contracts. All legal services provided are performed by a fully licensed attorney and all consultation sessions are in person and confidential. The Students' Attorney shall also offer public notary services.
3. **Scope of Representation:** The Students' Attorney Program cannot represent students in court proceedings, but can and does assist in problem resolution through nonlitigative services. The SAP also provides students with information on the common legal difficulties encountered by students through the innumerable brochures and publications available in the office. These materials include information on landlord/tenant disputes, debt collection issues, credit issues, personal rights, criminal violations, et cetera. The Students' Attorney may also issue referrals for services not provided by the SAP.
4. **Restricted Representation:** The SAP will be restricted from providing legal assistance to students on any legal matter(s) that involve another University of Wyoming student, the University of Wyoming, or a recognized student organization (RSO).

5. **Supervision/Oversight:** The DOS shall be responsible for the daily supervision and human resource needs of the SAP. The Student Legal Services Committee (SLSC), formally the Students' Attorney Advisory Board, will remain the general oversight authority for the SAP. ASUW Director of Legislative Affairs serves as an ex-officio member of SLSC and provides support services for SLSC. The ASUW Business Manager will manage the budget and all financial transactions of the SAP.
6. **Students' Legal Services Committee:** The purpose of SLSC is to supervise the SAP and ensure that the program is operated in accordance with all Wyoming statutes, rules, and procedures related to the standards of professional conduct of attorneys at law. In accordance with Article II, Section 10(9) of the ASUW By-Laws the SLSC shall have the following powers: (1) advise the Students' Attorney; (2) oversee the SAP budget; (3) evaluate the program on a regular basis; (4) make recommendations to the DOS regarding SAP staff and; (5) make efforts to improve the long-term operations of the program.
7. **Human Resource Supervision and Management:** The Dean of Students shall supervise and fulfill all human resource needs of the SAP; this will include employee performance evaluations and annual planning with the Students' Attorney.
8. **Information Technology and Equipment:** ASUW shall be responsible for relevant upgrades to information technology needs appropriate to hardware and software of the SAP database, telephone, and computer technology for the Students' Attorney Office.
9. **Referrals:** The Students' Attorney will make all efforts to provide referrals and resources to ASUW fee-paying students for services not rendered by the SAP. The SAP may refer students seeking litigation services to the Student Legal Services Clinic. The SAP may consult with the Student Legal Services Clinic regarding pro se litigants needing assistance with domestic relation issues. If the SAP has a conflict of interest with a particular student, every effort will be made to refer the student to other attorneys or legal programs.
10. **Duties of Students' Attorney:** The Students' Attorney shall provide legal advice, assistance, and information to all students who qualify for the program's services. The Students' Attorney shall be responsible for the following duties: (1) advise and assist UW students with legal matters; (2) research and remain current with local, state, and federal laws that may affect UW students; (3) provide educational workshops/legal seminars to UW students and student organizations; (4) prepare articles for the Branding Iron on legal topics of interest to UW students and research/author other legal publications as needed; (5) report weekly to the ASUW Director of Legislative Affairs on the number of clients served by SAP; (6) provide reports generated by the Students' Attorney Database to the SLSC at least once a semester; (7) operate the Students' Attorney Database; (8) regularly

attend professional/staff development opportunities; (9) comply with all operational procedures of the Dean of Students Office; and (10) adhere to the standards of this agreement and the performance factors outlined by Senate Bill #2109.

11. **Annual Evaluation:** The SLSC, DOS, and ASUW Director of Legislative Affairs shall conduct a joint session at least once a year to evaluate the SAP. This evaluation would be mutually exclusive from any performance reviews conducted on a regular basis by the DOS. The annual evaluation shall be organized by the ASUW Director of Legislative Affairs and be for the purposes of reviewing the program, its needs, client services, and personnel. This evaluation shall also consider the Students' Attorney accomplishments in meeting the performance standards approved in Senate Bill # 2174 and this agreement.
12. **Performance Standards** Senate Bill #2109 established evaluation standards to judge the annual performance of the Students' Attorney. Recognizing that ASUW has successfully worked to implement Senate Bill #2109, this agreement shall identify revised performance standards by which the Students' Attorney can be judged upon. Pursuant to Senate Bill # 2174 the Students' Attorney shall: (1) improve the marketing and promotion of the SAP; (2) continue efforts to implement and institutionalize the Students' Attorney Database; (3) design clear guidelines for student Externs provided by the UW College of Law; (4) improve the methods of reporting client visitation records; (5) maintain a positive legal reputation for the SAP.
13. **Location:** The SAP shall be located with the DOS in Knight Hall. The DOS will be responsible for facilities management and make all efforts to provide an adequate working environment for the Students' Attorney.
14. **Clerical Support:** The clerical assistance for the SAP will be supplied by the clerical pool of the Dean of Students Office (DOS). The DOS office will have 1.5 FTE clerical staff in this clerical pool. ASUW shall provide financial support for $\frac{3}{4}$ of the part-time benefited (20 hour/weekly) office assistance to accomplish this financial support for the program.
15. **Funding:** ASUW commits to annually fund the salary and all offices expenses associated with the SAP by virtue of the ASUW Budget and Planning Process.
16. **Marketing:** The Student's Attorney will cooperate with ASUW and SLSC to increase student awareness and availability of the legal services available through SAP. The DOS staff shall be responsible for assisting the Students' Attorney with marginal marketing activities including designing posters, handbills, and submitting newspaper articles. SLSC shall be responsible for administering larger marketing projects which include the creation of a SAP brochure and development of a functional SAP website. ASUW will maintain its authority to support the program by reserving tables in the Wyoming Union and offering free advertising space in the Branding Iron for the SAP.

17. **On-site Operations:** The Dean of Students shall be responsible for managing the on-site operations of the SAP including facilities improvements and information technology needs.
18. **Student Extern:** Contingent upon approval from the Extern Coordinator and the UW College of Law, there shall be a student extern available for the SAP. This extern shall be either a second-year or third-year law student and shall have such duties as preparing legal memorandums, client-counseling/interviewing, researching, as well as other appropriate tasks assigned to the extern by the Students' Attorney.
19. **Students' Attorney Program Database:** The implementation of the Students' Attorney Database was completed August 2006 by the independent contractor, Heiberg Consulting of Ft. Collins, Colorado. Established for the purpose of improving the reporting mechanisms of the program, it is clear that ongoing efforts will need to be made to continue the implementation of the software program. The ASUW Director of Legislative Affairs shall supervise ongoing improvements to the database and work with the Students' Attorney overtime in developing a more efficient operating system. The operation and information on the database shall be under the sole control of the Students' Attorney so as to provide the greatest efforts to protect the information of SAP clients. ASUW shall maintain the responsibility of funding service contracts to improve and make additions to the Students' Attorney Database.
20. **Programmatic Changes:** All changes that significantly impact the operation of the SAP must be made upon the recommendation of the SLSC and be subject to the consent of the ASUW Senate.
21. **SLSC Relationship:** The SAP shall make every effort to coordinate legal services and programs with the SLSC. Referrals shall be made by the Students' Attorney to the SLSC when appropriate.
22. **Budget:** The ASUW Director of Legislative Affairs shall prepare the annual budget in cooperation with SLSC and the Students' Attorney. The ASUW Business Office shall manage the SAP budget and all expenditures of appropriated funds shall be under the discretion of the ASUW Business Manager.
23. **Coordination:** The ASUW President and Dean of Students shall be responsible for the enforcement and implementation of this agreement.
24. **Renewal:** Renewal of this agreement shall only be necessary when a party to this MOU expresses interest in amending or extending the provisions contained herein.

25. **Enactment:** This Memorandum of Understanding (MOU) shall be made effective July 1, 2007, contingent upon its approval by the ASUW Senate and the completion by the designated signatories.

DATED this _____ day of _____, 2007

Dr. David Cozzens, Dean of Students
University of Wyoming

Travis Jordan, President
ASUW Student Government

Grant Lawson, SLSC Chairman
ASUW Student Government

A. Lorraine Lupton, Business Manager
ASUW Student Government