

SENATE BILL #2085

Title: Student Legal Services Clinic Trial

Date: April 2, 2004

Authors: Students' Attorney Advisory Board

Sponsors: Students' Attorney Advisory Board

1. WHEREAS, the ASUW Students' Attorney Program has seen no significant
2. change in its programmatic objectives over the past 30 years; and
3. WHEREAS, the current Students' Attorney Program needs to increase its
4. focus and efforts on educational and preventative law in addition to individual
5. consultation; and
6. WHEREAS, before long-term changes are made to the ASUW Students'
7. Attorney Program, a trial period for such changes would allow the ASUW to
8. assess the strengths and weaknesses of such a program while keeping the best
9. interests of students in mind.
10. THEREFORE, be it enacted by the Student Senate of the Associated Students
11. of the University of Wyoming that the ASUW Executive Branch, in
12. consultation with the Students' Attorney Advisory Board (SAAB) begin all
13. necessary work to form a new ASUW program, as outlined in Addendum B,
14. that will exist for a trial period of no more than one year, which will be
15. comprised of the current Students' Attorney Program and a relationship with
16. the University of Wyoming College of Law; and
17. THEREFORE, be it further enacted that the ASUW President, or designee,
18. and the SAAB begin all necessary negotiations with the University of

19. Wyoming College of Law to provide services for the proposed new program
20. through a memorandum of understanding, as outlined in Addendum B, to be
21. completed by the end of Fiscal Year '05; and
22. THEREFORE, be it further enacted that under the new proposal, the Students'
23. Attorney Program shall focus on educational and preventative law; and
24. THEREFORE, be it further enacted that a maximum amount of \$25,000,
25. pursuant to the memorandum of understanding, be allocated from the ASUW
26. Student Loan Account to fund no more than a one year trial period of the
27. student legal services clinic as is described in Addendum B, and that all
28. remaining unused funds be deposited back into the ASUW Student Loan
29. Account at the end of the trial period; and
30. THEREFORE, be it further enacted that the SAAB shall continue to serve
31. as the advisory board of the elements of the current Students' Attorney
32. Program, as well as the student legal services clinic; and
33. THEREFORE, be it further enacted, that the ASUW President and the SAAB
34. shall report back to the Student Senate on the student legal services clinic
35. program, to determine whether to make the program a permanently funded
36. program.

Referred to: Constitution Committee

Date of Passage: April 20, 2004

Signed:

Salma T. Baug
(ASUW Chairperson)

"Being enacted on 4-22-04, I do here by sign my name hereto and
approve this Senate action."

[Signature]
ASUW President

Addendum A

The University of Wyoming Mission Statement

The University of Wyoming aspires to be one of the nation's finest public land-grant research universities, dedicated to serving as a statewide resource for accessible and affordable higher education of the highest quality, rigorous scholarship, technology transfer, economic and community development, and responsible stewardship of our cultural, historical, and natural resources.

In the exercise of our primary mission to teach and educate students, we seek to provide academic and co-curricular opportunities that will:

- Expose students to the frontiers of scholarship and creative activity, and the complexities of an interdependent world;
- Ensure individual interactions among students, faculty, and staff;
- Nurture an environment that values and manifests diversity, free expression, academic freedom, personal integrity, and mutual respect; and
- Promote opportunities for personal growth, physical health, athletic competition, and leadership development for all members of the University community.

As Wyoming's only university, we are committed to outreach and service that extend our human talent and technological capacity to serve the people in our communities, our state, the nation, and the world.

The primary vehicles for identifying the specific actions and resource allocations needed to achieve this complex mission are the University's *Academic Plan*, *Support Services Plan*, and *Capital Facilities Plan*, each revised periodically.

Associated Students of the University of Wyoming

In the belief that students have the right, as well as the obligation, to play a significant role in guiding their University, we, the student body of the University of Wyoming, seeking to provide an effective organization to promote the general welfare of all students at the University, to represent the concerns for the student body, and to provide for and regulate such other matters as are hereinafter set forth, do ordain and establish this Constitution.

ASUW Constitution Preamble

One of the guiding purposes of ASUW is to represent the student body's interests to the University of Wyoming Administration. Further, ASUW is charged with the responsibility for the general welfare of the student body. Over the past 90 years, ASUW, through its elected officers and classified staff, have worked to achieve the goals of the organization. For the past 30 years, programs have come into existence which ASUW created and continues to fund. These programs include the Students' Attorney Program, Associated Students Technology Services (ASTECS), Safe-Ride, Minority Student Leadership Initiative, and UW Childcare. Specifically, the Students' Attorney Program has been in existence for 30 years. Over the course of 30 years, however, the Program has only changed by a minimal amount. Therefore, the Executive Branch of the ASUW and the Students Attorney Advisory Board, recommend that the program should be evaluated and changed as to provide better services for the student body.

background

"There may be a need for competent, continual legal advice to students of The University of Wyoming. By having a designated attorney available, this would be in furtherance of the objectives and activities of the Associated Students of The University of Wyoming to further the general welfare and education of individual students. It is believed that the individual students would greatly benefit by having an attorney available to counsel with them or refer them to an attorney when needed in regard to civil or criminal legal matters. In order to establish whether or not there is such a need, there shall be appointed a Students' Attorney . . ."

-UW Board of Trustees Minutes

In 1973, the ASUW and the University Board of Trustees approved the creation of a position for an ASUW Students' Attorney. The Students' Attorney functioned as a special contracted service for a number of years until 1978. At that time, in order to facilitate providing University benefits to the attorney, the position was designated as a staff position in the Dean of Students' Office and responsible to the Dean of Students for budget and personnel matters. Direct responsibilities for services provided were retained by the Students' Attorney Advisory Board.

The mission of the Students' Attorney program is to provide legal services to the University of Wyoming student community as such services are defined and limited by the ASUW program

document. Services as defined and limited by the program description document include three areas of responsibility:

1. To assist only full-fee paying students who seek advise in connection with personal legal problems.
2. To provide individuals with general information concerning management of personal affairs involving legal implications and prepare information which may be made available for students to guide them with regard to applicable principles of law on selected subjects.
3. To establish a legal referral system in conjunction with local bar associations and maintain liaison with these organizations in order to develop and maintain local support for the Students' Attorney program and facilitate effective and prompt handling of referrals.

The limitations on the Students' Attorney program are as follows:

1. The Students' Attorney shall not represent or advise any student, student group or organization if the University is an interested party to the matter, or if it requires a University decision. The attorney may advise students of University procedures for review of grievances, or decision making and such other matters as may be authorized by the responsible University official when the Students' Attorney ascertains that the matter is subject to continuing questions by students. The Students' Attorney may refer the matter to the appropriate University official having cognizance.
2. The Student's Attorney shall not engage in any litigation or representation before any court on behalf of any student or student organization.
3. The Students' Attorney shall not advise or consult with any student group or organization.
4. The Students' Attorney shall not represent or advise any student on any matter which is directly or indirectly antagonistic to the interest of the University.

The Students' Attorney Program office consists of a single attorney and one office assistant who has paralegal training. The current attorney, as a result of her continual involvement in student legal issues, has become fairly well versed in those areas. ASUW has invested both time and money to allow the attorney to build up her ability to make her a proficient students' attorney.

The SAP makes between 1,500-2,000 student contacts per semester. According to a past Office of Student Life survey, 19 percent of those who receive advice would have dropped out of school had they not received advice from the Students' Attorney. Because of these caseload numbers and because the Student's Attorney program is staffed for only ten and one-half months of the year by one attorney, the counseling function as set out in the program description document has become, of necessity, the primary duty of the Students' Attorney. As the caseload has increased, little time has been left available to pursue educative and preventive law functions. Notwithstanding these

time constraints, the Students' Attorney has never refused an invitation to speak at workshops or meetings on topics of legal interest if the invitation was extended in a timely manner that would permit scheduling without jeopardizing student appointments.

The current program, however, costs nearly \$90,000 to maintain and costs will increase in the foreseeable future as salary and benefit costs rise. The costs of the program have increased by nearly 50 percent between FY 1998 and the FY 2004 budget. The most significant increases have been seen in the area of salaries and benefits: in FY 1998 SAP salaries and benefits were \$52,238.47, while the salaries for FY 2004 are \$74,450.00, which is a total increase of roughly 42 percent over a six year period. Even though the costs of the program have significantly increased over the past six years, increased funding for the program has not resulted in any increased services for students. The increases seen in salaries have simply been meant to check the effects of inflation on the salaries and benefits of the SAP employees and to pay the depreciation costs—or the costs to maintain capital—of the employees' human capital.

	Actual FY '98	Actual FY '99	Actual FY '00	Actual FY '01	Budget FY '02
Salaries	\$52,238.47	\$53,904.21	\$56,348.67	\$61,232.50	\$62,948.46
Travel			\$228.21		
Equipment		\$1,721.19		\$1,866.80	
Copier	\$227.35	\$253.20	\$217.25	\$237.12	\$213.97
Dues/Membership	\$300.00	\$300.00	\$388.00	\$230.00	\$325.00
Eqmpt Maint./Rep.	\$94.51	\$125.00	\$207.50		
Postage	\$58.00	\$58.00	\$68.90	\$64.00	\$55.00
Registration	\$225.00	\$135.00	\$160.00	\$180.00	\$60.00
Special Service Contract	\$594.00	\$500.00	\$770.00	\$940.00	\$1,180.00
Staff Development	\$45.00	\$36.00		\$25.00	\$25.00
Subscriptions	\$45.00	\$36.00		\$25.00	\$25.00
Supplies, Office	\$277.86	\$340.57	\$207.79	\$469.54	\$418.01
Telephone	\$878.11	\$875.02	\$864.78	\$892.80	\$915.79
Total Expenses	\$56,222.19	\$60,165.40	\$60,947.57	\$67,878.15	\$68,164.67

In order to receive the best possible returns on the annual investments into the SAP, a restructuring of the program would help to achieve that goal. At the current time, the Students' Attorney is unable to dedicate a significant amount of time to carry out educational and preventative law functions, which could potentially decrease the level and number of legal problems students face while in college and in the future. In addition, the Student's Attorney is barred by the Trustees from litigation. The original goal of the program, however, was to offer both advice and representation to students. However, the program has remained in the same format since its creation, with minimal change. With the goal of putting the students' interests first while using their money as efficiently as possible, the ASUW Executive Branch and the Students Attorney Advisory Board has found a need to reorganize the program. Therefore, a plan should be enacted that enables the Students' Attorney to take a more active role in educational and preventative law and allows students to receive legal representation at a minimal cost outside of the current SAP.

Addendum B

Be it resolved by the Student Senate of the Associated Students of the University of Wyoming that: whereas the question of students' rights is becoming an issue at the University of Wyoming; and whereas the only effective method of defining students' rights is through the legal channels; and whereas achieving definite goals in the realm of students may only be reached through legal channels...

-S.B. #0577 Passed 9-16-70 Dave Blevins, sponsor

Proposed Program: ASUW Student Legal Services

Overview

There will be a one year trial period of a new ASUW program to be known as Student Legal Services, which will consist of two components. The first component of the program will be the current Students' Attorney Program, which shall provide students with informative and preventative law programming and publications in addition to individual student consultation. The other component of the SLS will be a partnership between ASUW and the UW Legal Services Program through the UW College of Law. This agreement and collaboration will provide the dedication of two third-year law student interns each semester who will perform direct legal work, including litigation, exclusively on behalf of ASUW students under the direct supervision of the Faculty Director and/or Assistant Director of the UW Legal Services Program.

Structure of Student Legal Services

Students' Attorney

The Students' Attorney of the SLS shall be a lawyer who is a member of the Wyoming State Bar. The Students' Attorney will be a classified employee paid by ASUW. The attorney will be expected to work full-time throughout the school year and part-time throughout the summer. Unlike the current duties of the Students' Attorney, the main focus of the Students' Attorney (SA) under the SLS shall be informative and preventative law with consultation playing a less demanding role. The SA will also act as a referral and screening agent for the SLS Student Attorneys. The SA shall also be available to draft legal documents such as Wills and Powers of Attorney for a fee.

The SA will develop a program through which he or she can successfully distribute informative and preventative law resources which would potentially decrease the number of student consultations the Attorney must conduct. The development and maintenance of an effective and sound web-site devoted to common legal questions and issues should be viewed as an essential feature of the SLS program. The web-site shall be an "information only" site in conformance with the Wyoming Rules of Professional Conduct. The SA will also network with governmental and non-profit agencies that may offer resources for ASUW students in order to enhance the effectiveness of the SAP legal information distribution program. Resources include, but are not limited to the American Civil Liberties Union, the Federal Citizen Information Center, the National Lawyers Guild, the Wyoming

Coalition Against Domestic Violence and Sexual Assault's Legal Assistance to Victims Project, Wyoming State Bar Lawyer Referral Program, and Wyoming Legal Services. Networking with legal advocacy programs and organizations would maximize the informative resources available to students without overburdening the Students' Attorney.

The Students' Attorney's duties will include the production of free publications that can provide information on the common legal difficulties and issues encountered by students. Examples of these publications include information on landlord/tenant law in Wyoming, credit issues, and debt collection issues. The SA will be expected to give or organize at least four presentations and/or workshops per semester on pertinent legal issues available to the general UW student body and shall offer services to RSOs and other student groups to present topics that are of interest to them. The SA will make every effort to develop a working relationship with *The Branding Iron* and shall provide for publication at least four articles per semester on pertinent legal issues concerning students.

The SA shall also develop relationships with academic departments and governmental and non-profit organizations.

In order to achieve the greatest level of student contact and involvement with the preventative law functions of the SAP, such as consumer issues and other related legal issues, work study students and interns shall be used to the extent that the Wyoming Rules of Professional Conduct allow. The legal interns' time shall be utilized in order to maximize the efficiency and the effectiveness of the preventative law functions under direction of the SA.

The Student Attorney shall also provide information and suggestions to the Students Attorney Advisory Board (SAAB) in order to make the program more effective.

Office Assistant

The Office Assistant in the Office of the Students' Attorney will take part in job sharing with the Associated Students Technology Services (ASTECS). The ASUW Business Manager shall manage the level of job sharing through the formulation of a SLS-ASTECS Job Sharing Plan subject to the approval of the SAAB, and shall direct any such arrangements in consultation with the Students' Attorney and the Director of ASTECS.

Location

The Students' Attorney Program shall be located on campus in its current facilities in the Wyoming Union. Future plans, however, should be developed as to where the program will be housed as it grows. All future planning, though, should take into consideration confidentiality and privacy issues that are vital to the success of the program.

UW Legal Services Program (Student Legal Services Clinic)

The UW Legal Services Program will administer the litigation portion of the SLS, to be known as the Student Legal Services Clinic, with oversight being vested in the SAAB. The direct legal services will be funded by ASUW to pay for supervision and office expenses for two student attorneys per semester and one during the summer. The legal interns shall be third-year law students who will provide legal assistance to ASUW students for credit through the UW College of Law. The funds will be administered by the UW College of Law in accordance with a Student Legal Services Memorandum of Understanding entered into between ASUW and the College of Law.

Powers of Student Legal Services

Unlike the current SAP, SLS, in collaboration with the College of Law program, will enable students to be represented in court in civil, non fee-generating legal matters through referrals from the Students' Attorney and other sources. The legal interns and the Students' Attorney will be restricted from providing legal assistance to students on any legal matter(s) that include students vs. students and/or students vs. the University. SLS will not be able to offer advice or consultation to recognized student organizations (RSOs). Instead, it shall be the role of SLS to offer referrals and resources to the students. Such resources include, but are not limited to the Albany County SAFE Project, UW Counseling, the UW Peer Remediation Center, the Wyoming Coalition Against Domestic Violence and Sexual Assault, local and campus law enforcement, and/or private attorneys. Students with legal issues involving the University will be referred to University personnel. The SLS will maintain the legal referral program that is currently in place in the UW Legal Services Program.

ASUW will provide funding to the UW Legal Services Program in order to provide supervision and office expenses for two (2) legal interns per semester and one (1) in the summer. In turn, the legal interns will provide legal assistance to members of ASUW. If the UW Legal Services has a conflict of interest in representing a particular student, every effort will be made to refer the student to other attorneys.

Traditional areas of representation at UW Legal Services consist of: (1) domestic relations matters, including divorces, child custody and/or support disputes, domestic violence cases, stalking, sexual assault civil actions, and paternity actions; (2) juvenile matters involving child abuse and neglect or children in need of supervision; (3) government benefit appeals, such as appeals from the denial of Social Security disability benefits; (4) consumer bankruptcies; and (5) consumer debt collection actions. In addition to the traditional caseload areas in UW Legal Services, SLS interns will handle housing law and other non-criminal related civil matters.

The Faculty Director and Assistant Director of the UW Legal Services Program will supervise the legal interns in accordance with Rule 12 of the Rules of the Supreme Court of Wyoming Provided for the Organization and Government of the Bar Association and Attorneys at Law of the State of Wyoming. At no time will the student legal interns practice law without direct supervision. The Faculty Director and/or Assistant Director will meet individually with the legal interns at least once every two weeks formally to conduct case status reviews and will be available throughout the semester to discuss their legal work and their own reflections of the SLS internship, including an evaluation at the end of each semester and summer session. The supervisors will, in turn, present an evaluation of the program to the SLSAB and make suggestions to enhance the quality of services that the program provides to students.

Interns: A maximum of two legal interns per semester and one (1) during the summer will be accepted during the first year of the program. The interns will be selected in the same manner that the UW Legal Services Program enrolls other students. Subject to availability and Director approval, research conducted by student interns may be utilized by the Students' Attorney to enhance and assist with the development of preventative law presentations and/or publications.

Under the supervision of the Faculty Director or Assistant Director of the UW Legal Services Program, SLS interns will be allowed to interview and counsel clients; draft and prepare pleadings, including complaints, answers, motions, discovery requests and responses, settlement agreements; and legal memoranda; negotiate with lawyers who represent adverse parties; represent clients at depositions; prepare for, appear at, and conduct trials and administrative hearings; and may represent student clients on appeals, as per each individual representation agreement.

Location

The UW Legal Services Program shall remain in its current location, which is an off campus location at the corner of 21st and Garfield. SLS Interns will, however, be encouraged to meet with students in the Wyoming Union when their caseloads allow and taking into consideration issues of privacy and confidentiality.

ASUW Relationship

The SLS will be funded by ASUW and overseen by the SAAB in conjunction with the ASUW President or his/her designee. The SAAB will meet a minimum of once per month, the time and place to be determined by the chairperson, during the fall and spring semesters. The SLS Students' Attorney and the ASUW Business Manger will be in attendance unless otherwise authorized to be absent by the Chair of the Board. The SAAB will oversee the administration and formation of a budget for SLS with the advice and help of the ASUW Business Manager, the ASUW Director of Finance, and the other ex-officio members of the Board. All funding for the SLS will consist of student fees paid to ASUW or those administered by the College of Law. The SLS, however, will be able to seek and will be encouraged to seek outside funding for the program through applicable private and public grant programs and will be able to accept private and public donations of funds as long as all grants and donations are not in violation of any Federal laws, laws of the state of Wyoming, and/or University/Trustee's Regulations.

One ASUW executive position will be vested with the duties of aiding and assisting in the operation of the SLS from time to time as the need arises. Such assistance would include, but not be limited to, aiding in developing campus relations and preventative law programs, SLS advertising, and information distribution; however, the ASUW President shall determine the amount of time which the Executive works with SLS. The ASUW Executive will also monitor the relationship between ASUW and the College of Law to be provided for by a SLS Memorandum of Understanding.

UW Relationship

SLS will be fully funded through ASUW. As ASUW is an integral part of the University and derives its power from the Board of Trustees, the Board of Trustees will have the final appointing authority over the employees of the program just as they do over all programs throughout the University. All applicable rules set forth by the UW Board of Trustees and the College of Law governing the UW Legal Services Program shall also govern the work done by SLS interns within the Clinic.