

SENATE BILL #2114

Title: Student Legal Services Clinic Continuation

Date: April 4, 2005

Authors: President Willms

Sponsors: Senators Kinner and Jordan


1. WHEREAS, in April of 2004 the Associated Students of the University of
2. Wyoming (ASUW) passed Senate Bill #2085, which authorized the
3. establishment of a new program to be known as the Student Legal Services
4. Clinic (SLSC); and
5. WHEREAS, said program was to exist for a trial period of no more than one
6. year; and
7. WHEREAS, Senate Bill #2085 instructed the President and the Students'
8. Attorney Advisory Board (SAAB) to report back to the Senate on the
9. potential continuation of the program; and
10. WHEREAS, the program underwent a thorough review during the spring
11. semester of 2005 (Addendum A); and
12. WHEREAS, from that review the program was deemed successful.
13. THEREFORE, be it enacted by the Student Senate of the Associated
14. Students of the University of Wyoming that the ASUW make the SLSC a
15. standing program of ASUW; and
16. THEREFORE, be it further enacted that the ASUW President, or designee,
17. and the SAAB begin all necessary negotiations with the University of
18. Wyoming College of Law to provide resources for the program through a

19. memorandum of understanding, which should be similar to the one entered
20. into in August of 2004 (Addendum B), to be completed by the end of
21. Fiscal Year '05; and
22. THEREFORE, be it further enacted that the Students' Attorney Advisory
23. Board shall negotiate the annual MOU with reference to the powers
24. enumerated in Addendum C; and
25. THEREFORE, be it further enacted that the by-laws be amended as
26. shown in Addendum C to have SAAB continue to serve as the advisory
27. board of the Student Legal Services Clinic; and
28. THEREFORE, be it further enacted, that the SAAB shall report back to
29. the Student Senate on the status of the Student Legal Services Clinic at
30. least once per semester; and
31. THEREFORE, be it further enacted that the income eligibility requirement
32. of Rule 12 of the Wyoming Supreme Court be addressed under the eligibility
33. section of the MOU.

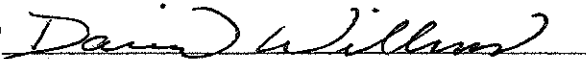
Referred to: Students' Attorney Advisory Board

Date of Passage: April 19, 2005

Signed:


(ASUW Chairperson)

“Being enacted on April 20, 2005, I do hereby sign my name hereto and
approve this senate action.”


ASUW President

Addendum A

SLSC EVALUATION

Overview

The Student Legal Services Clinic (SLSC) is a partnership between ASUW and the University Legal Services Program (UWLSP) through the UW College of Law and is located in the University Annex, 406, S 21st St. It is currently in a one year trial period and is under evaluation for continued funding by ASUW. The SLSC consists of two third-year law student interns under the direction and supervision of the Faculty Supervisor (John Burman) and Assistant Director (Dona Playton) of UWLSP. The SLSC provides qualifying ASUW fee paying students direct legal representation in civil, non-fee generating matters. The student interns perform a lawyer's representational functions to negotiate, advocate, counsel, and advise on behalf of clients. This includes giving legal advice, preparing and drafting pleadings and motions, and actual representation at trial and on appeals. Traditional areas of representation are (1) landlord/tenant disputes; (2) domestic relations matters including divorces; (3) domestic violence actions; (4) juvenile matters involving child abuse and guardian *ad litem* appointments; and (5) consumer bankruptcies and debt collection actions. It the responsibility and purpose of the Students Attorney Advisory Board (SAAB) to oversee the SLSC, this includes evaluating the program for continued funding.

Evaluation

The SLSC has taken on 24 cases to date (see Addendum A), with eight currently in active status. In addition to the 24 cases, the SLSC has provided numerous students with advice on their legal matters and maintains an active referral system, directing students to various programs and statewide attorneys who provide services at a reduced fee or on a pro bono basis. Landlord/tenant disputes comprise the largest number of cases for the clinic. Many of these disputes concern the enforcement of lease provisions and distribution/retention of various deposits made to the landlord. The first case taken by the SLSC was a damage deposit dispute in small claims court where the student

interns were able to secure a judgment for the tenant they represented, recovering the damage deposit. There are currently four cases against the same landlord. In the bankruptcy and debt collection cases, the interns were able to represent clients in Federal Bankruptcy Court to resolve financial issues and provide immediate protection for clients from collection agencies in violation of the automatic stay. Other cases have involved divorce, child custody, adoption, sex offender registry proceedings, and guardianship rights.

All university students derive benefit either directly or indirectly from the operation of the SLSC. Students that receive direct benefit are those with an imminent legal issue that must be resolved. The interns are able to assist these students in the effective resolution of their problems under the supervision of practicing attorneys. The wealth of information and support services provided by John Burman and Dona Playton make possible access to quality and competent legal services otherwise unattainable by the majority of students because of financial constraints. The current total cost of the program to ASUW is \$25,000 which approximates to \$2.64 per student for this program. In comparison to the Student Attorney Program, which is restricted to an advisory role in criminal matters along with preventative law issues, the cost to ASUW is \$86,210 or \$9.08 per student.

Students at UW also benefit indirectly from the operation of the SLSC. Each time a student is represented by the SLSC, precedent is set in two ways. First, in the legal sense, any judgment that is rendered after a case has been fully litigated on its merits becomes binding in all future cases dealing with the same issue and factual basis. Indirectly, all students will benefit from binding legal precedent such as a favorable ruling that a specific lease provision in a landlord/tenant dispute is unenforceable. Second, the SLSC provides precedential value through awareness that students have access to quality legal representation. According to Dona Playton, several cases have been resolved merely through correspondence from the SLSC to the opposing party, notifying them of SLSC involvement in resolving the issue. The dispute was subsequently reconciled by the end of the communication.

The benefit provided by the SLSC is reciprocated between UW students and the legal interns. The legal interns receive invaluable experience through the SLSC, which

also includes a classroom and seminar component. Reputable legal professionals, including Wyoming Supreme Court Chief Justice William Hill, conduct seminars where interns are educated concerning relevant areas of SLSC practice and are generally available as a resource to the interns. The interns are highly motivated to represent clients and opposing council is respectful of the SLSC because of the interns' enthusiasm for their work. The interns are able to offer more personal attention to matters than private attorneys because they are not bound by time constraints and billable hour requirements, as stated by an SLSC client.

In evaluating the student interns' performance and the value of the SLSC, both student and professional assessment is vital. Based on a survey conducted by the Wyoming Survey and Analysis Center, 90.6% of informed UW students polled favored funding the SLSC. Individual student assessment is difficult to obtain and evaluate because feedback forms are voluntary and input is often skewed either based on the result of the case or limited student exposure to legal service for legitimate comparison. In an attempt to obtain an evaluation from those in the legal profession, Circuit Court Judge Castor and local attorney Mary Beth Galvan were contacted. Judge Castor, who presided over SLSC cases, remarked, "they were very good, extremely well prepared, and represented the client professionally... I believe the SLSC is an important and successful [program]." Mary Beth Galvan, who was opposing counsel in a case, was very pleased with the professionalism and representation the SLSC provided for their client. Positive feedback from judges and lawyers, who have personal encounters with the SLSC, is particularly persuasive given their vast experience in the legal profession and aptitude for evaluating the practice.

In the interest of full disclosure in evaluating the SLSC, concerns about the program must be addressed. Areas of concern include client eligibility, restricted representation, location, and long-term sustainability. First, the services provided by the SLSC are not available to all UW students. In accordance with Wyoming Court Rules, Rule 12 provides the authority for law students' ability to practice law. Among the many conditions that must be met, subsection (b)(2)(iii) stipulates that the person to be represented shall meet the income-and-asset criteria within the poverty guidelines of a legal services corporation in Wyoming. In other words, to qualify for the services of any

legal service clinic in Wyoming, the applicants must not exceed certain predetermined income levels, currently set at 125% above poverty. The majority of university students qualify, meeting the income eligibility requirements; however, two UW students were denied representation from the clinic because of this limitation and were subsequently referred to an attorney who takes cases at a reduced fee. The policy behind this rule, which the Wyoming Supreme Court promulgated, is to provide access to legal services for individuals who typically have no recourse due to monetary constraints, and to further community welfare as previously mentioned. This policy is directly analogous to public defenders, whose services again are contingent upon clients meeting certain income eligibility requirements.

The second concern surrounds restrictions in the SLSC representation. The SLSC interns will be restricted from providing legal assistance to students on any legal matter that involves another University of Wyoming student, the University of Wyoming, or a recognized student organization. This caveat serves the purpose of eliminating conflict of interests. Another restriction is that the student's matter must be civil and non-fee generating. The effect of this restriction is minimized because other attorneys outside the University would be willing to provide representation in a fee generating matter. Also, antitrust laws limit the University from competing with private business.

A third concern is the location of the SLSC in the University Annex building, 406 S. 21st St. Since the University Annex is not located on campus, accessibility and visibility concerns have been raised. There are several benefits of having the SLSC at its current location. The detachment from the university campus provides greater confidentiality for those students who seek SLSC services. This separate office location also provides a more professional atmosphere. The most significant benefit of the SLSC location is the synergy created by its proximity with the other legal clinics in the same building, providing easy access to both supervisor personnel along with office equipment and supplies that are shared between the clinics.

Finally, remote concern has been raised about the long-term sustainability of the SLSC. The current Assistant Director, Dona Playton, receives federal grant money to operate the domestic violence clinic. This federal assistance allows her to provide the low cost legal representation embodied by the clinics. If the grant money were to cease,

there is a possibility that she would not remain with the UWLSP. However, the structure of the grants provides for a one year cushion where Dona would be informed if funding were ceased. In this alternative, ASUW would have a year to consider available options.

Summary

The SLSC is the most cost-effective method of providing direct legal representation services exclusively to University of Wyoming students. The program has been received positively by students, the legal interns and their directors, law school faculty, and members of the legal community. These accolades have been accomplished in the programs short existence and despite low student awareness. Ultimate consideration of the SLSC will commence when the ASUW Student Senate deliberates permanent funding and continuation of the program. All Students are encouraged to contact their senators to voice their opinion of the program.

Addendum B

**STUDENT LEGAL SERVICES CLINIC
MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding is between the **University Legal Services Program (UWLSP)**, by and through the **University of Wyoming College of Law**, and the **Associated Students of the University of Wyoming (ASUW)**. It sets forth the general terms of understanding between the parties in connection with a new ASUW program, a Student Legal Services Clinic (SLSC) that will be in addition to the existing Students' Attorney Program. The parties agree and understand as follows:

1. **Trial Period:** The SLSC will be a partnership between ASUW and the UWLSP through the UW College of Law. The new SLSC shall be evaluated and considered for ongoing funding through the ASUW budget planning process in the Spring of 2005.
2. **The Student Legal Services Clinic:** The SLSC will designate two third-year law student interns each semester. The interns will perform direct legal work, including civil litigation, through SLSC exclusively on behalf of qualifying ASUW students. Qualifying ASUW students will be determined by existing clinic standards established by UWLSP. Services will be performed under direct supervision of the Faculty and/or Assistant Director of the UWLSP for credit through the University of Wyoming College of Law.
3. **Interns:** A maximum of two legal interns per semester beginning with the Fall 2004 semester will provide services. The interns will be selected by lottery as with the other legal clinics at the UW College of Law. If there are not enough students on the Fall 2004 UWLSP waitlist, students will be recruited for appointment to the SLSC.

4. **Scope of Representation:** Under the supervision of the Faculty and/or Assistant Director of the UWLSP, SLSC interns will be allowed to interview and counsel clients, and draft and prepare pleadings, including complaints, answers, motions, discovery requests and responses, settlement agreements, and legal memoranda. The interns may negotiate with lawyers who represent adverse parties, represent clients at depositions, and prepare for, appear at and conduct trials and administrative hearings. They may also represent student clients on appeals, as per each individual representation agreement.
5. **Client Eligibility:** The student legal interns may represent qualifying, ASUW fee paying University of Wyoming students in civil, non fee-generating legal matters. Traditional areas of representation at UWLSP consist of but are not limited to: (1) domestic relations matters, including divorces, child custody and/or support disputes, and paternity actions; (2) domestic violence, stalking, sexual assault civil actions; (3) juvenile matters involving child abuse and neglect or children in need of supervision, including parent and child representation or guardian *ad litem* appointments; (4) government benefit appeals; (5) consumer bankruptcies and consumer debt collection actions; and (6) landlord/tenant disputes. In addition to the traditional caseload areas in UWLSP, SLSC interns will handle housing law and other civil matters.
6. **Restricted Representation:** The SLSC interns will be restricted from providing legal assistance to students on any legal matter(s) that involves another University of Wyoming student, the University of Wyoming, or a recognized student organization (RSO).
7. **Referrals:** The SLSC will make an effort to provide referrals and resources to ASUW fee-paying students. The SLSC may refer students seeking advice on criminal matters to the Students' Attorney. The SLSC may consult with the Students' Attorney regarding pro se litigants needing assistance with domestic relation issues. Outside referral resources include, but are not limited to the Albany County SAFE Project, UW Counseling, the UW Peer Remediation Center, Office of Student Life, STOP Violence Project, the Wyoming Coalition Against Domestic Violence and Sexual Assault, local and

campus law enforcement, and/or private attorneys. The SLSC will maintain the legal referral program that is currently in place in the UWLSP, which includes attorneys statewide who have agreed to take referrals from UWLSP at a reduced fee or on a pro bono basis. If the SLSC has a conflict of interest in representing a particular student, every effort will be made to refer the student to other attorneys.

8. **Additional Services:** Subject to availability and supervisor 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.
9. **Training of Interns:** The SLSC students will be trained to screen potential clients for eligibility and special issues, including domestic violence and safety issues, cultural and language barriers and disability access.
10. **Caseloads:** There are several variables that determine manageable caseloads. These variables may include type of cases, attorney involvement, and client cooperation. The trial period for the grant should yield additional information regarding anticipated caseloads and legal need analysis. Quality of services will remain the SLSC priority.
11. **Supervision:** The Assistant Director of the UWLSP will be the primary supervisor responsible for monitoring the interns' caseloads and providing supervision under the SLSC. Supervision includes attending court hearings, trials and legal proceedings with the interns. The interns will be required to provide case status reports in accordance with the operation of the UWLSP. The Assistant Director will supervise the 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. The Assistant Director will meet individually with the interns at least once every two weeks to conduct case status reviews and will be available throughout each semester to discuss their legal work. The Faculty Supervisor of the UWLSP will work closely with the Assistant Director, and

will be available to supervise and monitor cases in all clinics as the need arises.

12. **Case Selection and Client Eligibility:** The Assistant Director will be responsible for approving the cases, reviewing eligibility and monitoring each intern's caseload.
13. **Evaluations:** Evaluations will be conducted by the interns at the end of each semester and officially submitted to the UW College of Law administration, the Students' Attorney Advisory Board (SAAB) and the ASUW President. In addition, clients will be given a Client Satisfaction Survey and encouraged to complete the form and deliver it to the SLSC. The Faculty/Assistant Director will present an evaluation of the program to the SAAB, including numbers of students served with direct legal services and brief services; numbers of students applying who are denied and the reason therefore, such as lack of resources, ineligibility, conflict of interest, etc.; demographic data, legal issues presented. The Faculty/Assistant Director shall also make suggestions to enhance the quality of SLSC.
14. **Funding:** The SLSC will be funded by ASUW by virtue of Senate Bill 2085 and the attached budget to pay for supervision and office expenses for two student interns per semester. Salaries will be administered by the UW College of Law, and all other funds will be administered by ASUW. In addition, an administrative fee of \$30.00 may be charged to clients to subsidize program costs. This amount may be waived in extreme circumstances as determined by the Faculty/Assistant Director. Any administrative fees that are collected shall be deposited in the separate ASUW SLSC fund administered by ASUW. All unused funds will be retained by ASUW at the end of the trial period. A monthly program finance report will be submitted to the SAAB and ASUW President.
15. **Location:** The UWLSPP shall remain in the University Annex, 406 South 21st Street.
16. **ASUW Relationship:** The SLSC will be funded by ASUW and shall be overseen by the SAAB in accordance with the Wyoming Rules of

Professional Conduct for Attorneys at Law. The SAAB will meet a minimum of once per month during the fall and spring semesters, at a time and place to be determined by the chairperson. The Assistant Director will formulate a budget to be approved by the SAAB. The SAAB will oversee the administration of a budget for SLSC with the advice and help of the ASUW Business Manager, the ASUW Director of Finance, and other ex-officio members of the SAAB. The SLSC will be encouraged to seek outside funding for the program through applicable private and public grants. The SLSC will be able to accept private and public donations 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.

17. **Outreach:** The Assistant Director of the UWLSP will cooperate with ASUW and SLSC to increase student awareness and availability of the legal services available through SLSC. Examples of activities may include, but are not limited to, articles in the Branding Iron, workshops and informational tables in the Wyoming Union.
18. **UW Relationship:** SLSC will be funded through ASUW. 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. All applicable rules set forth by the UW Board of Trustees and the UW College of Law governing the UWLSP and its Directors shall also govern the work done by interns within the SLSC.

Each party acknowledges its good faith intent to collaborate with the other parties to this project so as to achieve the project goals and objectives in a timely and effective way.

DATED this ____ day of _____, 2004.

Dona Playton, Assistant Director
University of Wyoming College of Law

David Willms
ASUW President

John Burman, Faculty Supervisor
University of Wyoming College of Law
Legal Services Program

A. Lorraine Lupton, Business
Manager
ASUW

Jerry Parkinson, Dean
University of Wyoming College of Law

Dolores Cardona, Interim Dean of
Students
University of Wyoming
Office of Student Life

Addendum C

By-Law Change

Article II, Section 10(A)(10) ASUW Students' Attorney Advisory Board

- a. Purpose. The Board shall serve as a means by which the ASUW Student Senate shall supervise the Students' Attorney Program and oversee the Student Legal Services Clinic in accordance with the Wyoming Rules of Professional Conduct for Attorneys at Law.

- b. Powers. The Board shall advise the Students' Attorney, evaluate the staff and budget of the Students' Attorney Program, advise the Students' Attorney through the Dean of Students or his designee, and make recommendations, which shall be considered for implementation after collaboration among the Dean of Students Office, the Students' Attorney, and the Students' Attorney Advisory Board. The Board shall also have the authority to recommend the initiation of disciplinary action or termination of employment; this authority will be exercised by the Dean of Students in conjunction with the Board. The Board shall meet with the Dean of Students and the Students' Attorney not less than once per month during the Spring and Fall semesters. The Board shall advise the Student Legal Services Clinic, evaluate the program and budget of the Student Legal Services Clinic, and make recommendations, which shall be considered for implementation after collaboration among the Dean of Students Office, the Director of the Student Legal Services Clinic, the Dean of the Law School, and the Students' Attorney Advisory Board. The Board will further be responsible for entering into an annual memorandum of understanding with respect to the operation of the Student Legal Services Clinic.

Each Students' Attorney Advisory Board shall be responsible for negotiating the MOU that governs ASUW's relationship to the Student Legal Services Clinic for the following fiscal year.