

Volunteer Toolkit

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TYPES OF CASES VLP TAKES

FAMILY LAW & GUARDIANSHIP

Divorce

Support, custody, and paternity issues Modifications

209A hearings

Annual reports and 90-day care plans

Guardianships of minor children and incapacitated adults, including Rogers cases.

PROBATE

Health care proxies Powers of attorney Wills

CONSUMER & BANKRUPTCY

Consumer Bankruptcy (Ch. 7)

Fair Debt Collection issues (small claims) Credit card debt

HOUSING

Eviction defense

Eviction assistance for low-income landlords Title and lien issues

Transfers

Affirmative conditions cases

EMPLOYMENT

Unemployment insurance cases

Wage theft and violations of Massachusetts Wage Laws

Nonpayment of overtime premium

TYPES OF CASES VLP DOES NOT TAKE

Immigration

Criminal

Class-action suits

Representation of prisoners

LIMITED ASSISTANCE REPRESENTATION (LAR)

VLP requires all volunteers participating in a VLP clinic to be LAR certified. This is a self-certification process, completed by reading the manual and watching the video available on the VLP website. The link is found on the Clinics & Projects page of the website.

<https://vlpnet.org/clinics-projects/>

VLP'S REFERRAL PROCESS

FINDING THE RIGHT CASE

VLP maintains e-mail lists for the different types of cases we handle. If you are interested in a particular area, we will add you to that e-mail list to receive periodic updates with descriptions of available cases. Let the Pro Bono Manager know which case you are interested in. Training, mentoring, and interpreters are available as described on the following page. If your time is more limited, consider volunteering for a Court Clinic. (see page 10)

GETTING THE FILE AND REFERRAL MEMO

For all the cases that we refer, a VLP staff attorney or paralegal has met with the client for an intake and prepared a file and detailed memo about the case. Once you agree to take a case, we will provide you with access to our case management system so that you can access the case documents. We will also confirm the referral in writing with the client. You and the client should then schedule a meeting together.

MEETING THE CLIENT

You may meet with clients at your own office or at VLP. There is available conference space at our Winthrop Square office. To reserve a room, call VLP reception at (617) 423-0648. Please note that VLP is open Monday through Friday, 8:30 am-4:30 pm.

SCOPE OF REPRESENTATION

We strongly suggest that you execute a letter of engagement or a representation agreement with your pro bono client as you would with any client. The agreement should describe the services you will provide and should specify that there is no fee. VLP will also provide a 3-party agreement for all cases.

DURING THE CASE

VLP will check in with both you and the client periodically during the case to ensure that you made contact, that the matter is progressing satisfactorily, and that you are getting the support you need. When the case is finished, we will ask you to complete a brief online case-closing form.

PROFESSIONAL LIABILITY INSURANCE

VLP provides primary professional liability insurance coverage for panel attorneys handling cases referred through VLP. Primary coverage ensures that panel members do not have to rely on their own malpractice coverage when handling VLP cases.

SUPPORT FROM VLP

MENTORING

VLP often pairs newly admitted attorneys and attorneys new to an area of law with an experienced mentor for a VLP case.

- Your mentor can act as a resource for legal and procedural questions. They can also provide general wisdom about your specific case and the process.
- Some cases may come with a mentor assigned. If yours does not, and you would like one, please ask the Pro Bono Manager to pair you with one.
- Most of the mentors are members of Senior Partners for Justice, a pro bono project started at VLP by Judge Edward Ginsburg upon his retirement from Probate and Family Court in 2002. See <https://vlpnet.org/senior-partners-for-justice/> for more information.
- VLP staff are available to answer brief questions about your case and help troubleshoot when needed. They can also answer all VLP-specific questions about your case.

TRAININGS AND PRACTICE MATERIALS

VLP regularly offers free trainings in the subject areas we handle. Check www.vlpnet.org for a list of upcoming trainings.

- VLP has MCLE trainings discount vouchers available for active volunteers. The vouchers reduce the registration fee of most MCLE courses to \$35.
- The VLP website, www.vlpnet.org, has a library of forms available to website members that may have the document you are looking for. You must be signed in to view the documents.
- VLP's YouTube channel offers a variety of videos like tutorials in specific practice areas, videos about how to effectively use interpreters, and how to become LAR certified.

To be eligible for a training voucher, a volunteer must take a case for full representation OR volunteer regularly at VLP Clinics.

OFFICE SPACE AND SUPPLIES

- VLP has conference rooms available for use with VLP clients. To reserve one, call the front desk (617) 423-0648.
- VLP has a postage machine and copier you may use on your VLP cases. A staff member can tell you where they are located.



- BestCases bankruptcy software is available on the computers at VLP. If you would like to use it to prepare a client's bankruptcy filings, call the front desk to reserve a room with a computer.

INTERPRETERS

Many of VLP's clients have a primary or preferred language other than English. If your client requires interpretation services, VLP will provide you with an interpreter at the time the case is referred. For tips on effectively working with an interpreter, see page 9.

ONLINE RESOURCES FOR VLP VOLUNTEERS

VLP Website

<http://www.vlpnet.org/>

- **Library** houses reference materials, forms, practice materials and other resources in legal areas VLP handles. You must be a member and logged in to view the library.
- **Listserves** require you to be a member and logged in to join. Available for Family, Guardianship, Housing (Landlord-Tenant), Consumer/Bankruptcy, and Unemployment.
- **Calendar of Trainings** is found under the What We Do tab on the website. Links to sign up are in each calendar item.



[SignUp.com](https://signup.com)

<https://signup.com/>

- SignUp is a calendar of court projects and trainings with a sign-up system.
- If you register and sign in, you can sign yourself up for projects and trainings. **The sign-in for this website is different than the sign-in for the VLP website.**

Find Us on Social Media

<https://www.linkedin.com/company/vlpboston>



<https://twitter.com/VLP Boston>



<https://www.instagram.com/vlpboston/>



<https://www.facebook.com/vlpnet/>



<https://www.youtube.com/user/vlpboston>

PAYING FOR LITIGATION COSTS

Most litigation entails some cost or fee - for a citation, for filing, or for serving the interested parties. The Massachusetts courts, as well as the federal bankruptcy courts, will waive the fees for clients whom they deem unable to pay. **Most of VLP's clients will qualify for a fee waiver.**

TO CHECK IF YOUR CLIENT QUALIFIES FOR A FEE WAIVER

- Any client whose net income is less than 125% of the federal poverty guidelines will qualify to have their fees waived. The easiest way is to check if your client receives SSI or MassHealth medical insurance (Medicaid). If so, your client qualifies for the fee waiver.
- If you have a bankruptcy client, the client will qualify if their net income is less than 150% of the federal poverty guidelines AND the judge deems that the client would be unable to pay the fee in installments.

IF YOUR CLIENT **DOES** QUALIFY FOR A FEE WAIVER

- Be sure to file the Affidavit of Indigency whenever the guardianship or family law client needs to pay for a citation or for service within Massachusetts. For a bankruptcy client, include the application with the rest of the bankruptcy filings.
- If the client needs to serve a party out of state, the Commonwealth will not pay for the cost. See Other Notes below.

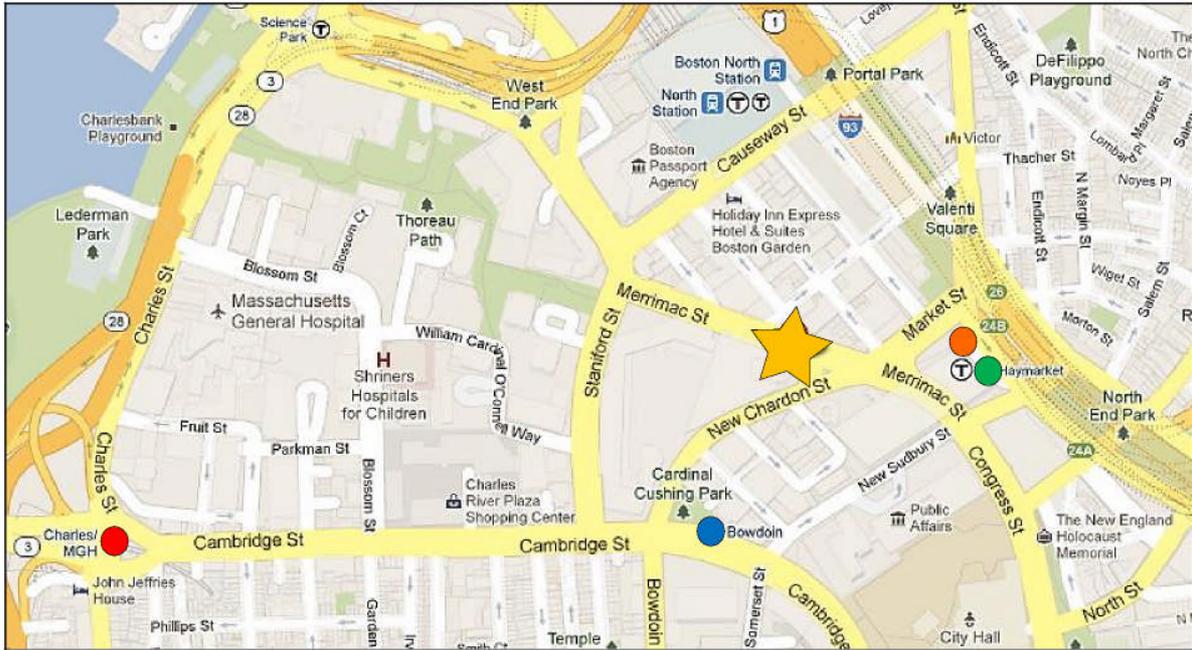
IF YOUR CLIENT **DOES NOT** QUALIFY FOR A FEE WAIVER

- The client will need to pay for litigation costs.
- For guardianship and family law clients, this often means paying for a citation and any related litigation costs (service, generally).
- For bankruptcy clients, the client will often be allowed to pay the \$335 filing fee in installments.

OTHER NOTES

- **Do not pay for things out of pocket.** Please check with VLP before fronting any fees for litigation.
- VLP will not assume costs for out-of-state service for a client who does not obtain a fee waiver. The client will need to provide the costs for this.

THE BOSTON MUNICIPAL COURTHOUSE



The Edward W. Brooke Courthouse is located at **24 New Chardon Street**.

GETTING THERE

Parking in Boston is a terrible idea. To avoid this, we recommend taking public transportation.

- Red Line: The Charles/MG H stop is a 10-minute walk down Cambridge St.
- Blue Line: The Bowdoin stop is across the street from the court.
- Orange Line: The Haymarket stop is near the New Chardon St. entrance
- Green Line: Haymarket and North Station are near the New Chardon St. entrance
- Commuter Rail: See Green Line above

WHEN YOU GET THERE

- Registry of Probate: 3rd floor
- Probation Office: 3rd floor
- Boston Municipal Court: 5th floor
- Courtrooms (Probate and Family): 4th floor
- Courtrooms (Housing): 5th floor
- Court Service Center: 2nd floor
- Coffee and Snacks: 1st floor

TIPS FOR EFFECTIVE COMMUNICATION WHEN USING AN INTERPRETER

Many of our clients may feel more comfortable communicating in a language other than English. When this is the case, you will need an interpreter to communicate with them. Read the tips below to help you get started.

- The interpreter translates for the speaker. Speak slowly so that the interpreter can accurately interpret for you. **English is best understood slowly, rather than loudly.**
- Speak directly to the client, **not** to the interpreter. "I want to ask you some questions." The client is always your focus.
- Make eye contact with the client. Spoken language is only a small portion of communication. You can learn a great deal from body language, tone, and context.
- Speak simply and refrain from using legal jargon. Instead, explain the meaning of the legal terms. "On Monday, we have to go to Court and talk to the judge. The judge will decide how much child support you will get after the judge reads your financial statement."
- Use the interpreter as you would a telephone. The interpreter translates for you when you are speaking. **Do not ask the interpreter to meet alone with the client to prepare any documents or to discuss the case.** The interpreter acts as your intermediary to communicate with your client.
- Allow the interpreter to clarify questions for a client or explain a word in a different way if their native language does not have a word for it.
- Do not tell the interpreter to explain something to the client for you. You should explain terms, documents, processes, etc. as you would to an English-speaking client.
- Do not let the client and interpreter speak back and forth too long without clarifying what is happening. **Make sure the interpreter is not giving legal advice.**

For a more thorough guide to working with interpreters, please visit the **Library** heading on the VLP website.

COURT CLINICS

Boston Housing Court Lawyer for the Day

Attorneys advise and represent low-income tenants and landlords at Boston Housing Court on Wednesday (public housing cases) and Thursday (private housing cases) mornings. The clinic provides lawyers to both landlords and tenants on Thursday mornings at the Boston Housing Court. In some cases, lawyers represent a client in mediation which is concluded that day. VLP assists pro se landlords and tenants at Boston Housing Court primarily in matters involving eviction by:

- a) Providing brief advice and/or preparing pleadings or motions*
 - b) Representing clients in mediation or negotiation*
 - c) Representing clients on a Limited Assistance Representation (LAR) basis in court hearings*
- **Edward W. Brooke Courthouse** (24 New Chardon Street, Boston) Wednesdays, 8:30 am-12:00 pm and Thursdays, 8:30 am-2:30 pm, 5th floor in front of Courtroom 10

CARE Plan Review

*Volunteers review **guardianship care plans** to ensure the forms are properly completed. Volunteers can complete reviews whenever they would like **during court hours**. Volunteers must attend a CARE plan training. If you are interested, please talk to Emelia Andres, Pro Bono Manager, eandres@vlpnet.org.*

- **Suffolk County . Edward W. Brooke Courthouse** (24 New Chardon Street, Boston)

Civil Appeals Clinic

VLP collaborates with and operates a pro bono Civil Appeals Clinic with members of the Association of Pro Bono Counsel (APBCO). Self-represented litigants who qualify meet with volunteer attorneys who assess whether a final judgment exists, calculate deadlines, advise litigant in deciding to appeal or continue seeking relief in trial court, and provide/assist with self-help materials, resources, forms, and motions. They assess if a case can be reviewed for further representation, considering if the appeal has merit, falls within VLP priority issue areas, has broad-based implications for low-income people, or constitutes a legal error. The volunteer may recommend that the case be sent for a second layer of merit-based screening by appellate attorneys and legal services experts.

- **Massachusetts Appeals Court** (1 Pemberton Square, Boston) Wednesdays, 12:30-4:00 pm, John Adams Courthouse, Appeals Court Clerk's Office, 1st floor.

Discovery Clinic

*Provides pro bono lawyers to low-income, unrepresented debtors assist in drafting their discovery requests and answers in their debt collection suits. This clinic is a supplement to the Fair Debt Collection Lawyer for the Day in the Boston Municipal Court. **Clients must call to reserve appointment.***

- **Volunteer Lawyers Project** (7 Winthrop Square, Boston) 2nd Wednesday of each month from 2:00-4:00 pm, 2nd floor

Fair Debt Collection Clinic Lawyer for the Day in the Boston Municipal Court

This project provides pro bono lawyers to low-income, unrepresented debtors to assist in their civil debt collection lawsuits. The Boston Municipal Court project clients are usually there to attend a case management conference or motion hearing. Volunteer attorneys assist low-income debtors and creditors at the Boston Municipal Court in the Brooke Courthouse on a Limited Assistance Representation (LAR) basis. Representation begins and ends on the same day.

- **Boston Municipal Court - Civil Session** (24 New Chardon Street, Boston) Wednesdays, 9:00 am-12:00 pm, 5th floor of the Edward Brooke Courthouse, in front of Courtroom C

Family Law Clinic

Volunteer attorneys provide legal advice and brief services in divorce, custody, paternity, contempt, and modification actions. Volunteers do not file an appearance on behalf of the clients; our services are limited to advice and assistance with the drafting documents. The scope of representation is limited to the services provided at the clinic, however, some clients may be referred to VLP or other legal services provider, for further assistance.

- **Suffolk County Probate and Family Court** (24 New Chardon Street, Boston) Wednesdays, 9:00 am-12:00 pm, 2nd floor, Edward Brooke Courthouse, Court Service Center

Fresh Start Debt Relief Clinic

Over the past year, VLP has been developing Fresh Start clinics to inform people in debt about their options and assist them with bankruptcy where appropriate. At these clinics, lawyers will provide a short presentation about debt relief and advise clients in one-on-one sessions. Law Students and Paralegals will help clients complete a bankruptcy questionnaire and get credit reports and other documents.

- **Dorchester House** (1353 Dorchester Ave, Dorchester) 3rd Tuesday of every month at 4:00-6:00 pm
- **Volunteer Lawyers Project** (7 Winthrop Square, Boston) 3rd Tuesday of every month at 10:00 am-12:00 pm, 2nd floor **THIS CLINIC ALTERNATES MONTHLY BETWEEN LOCATIONS**

Guardianship Clinic

Volunteers help eligible clients petitioning for guardianship of incapacitated adults or minors. They assist with preparing petitions for filing, care plans, and annual reports. Clinic services are limited to advice and drafting documents. Petitioners can be referred to VLP for further assistance after a petition is filed.

- **Suffolk County Probate and Family Court** (24 New Chardon Street, Boston) Tuesdays, 9:00 am-12:00 pm, 2nd floor of the Edward Brooke Courthouse, Court Service Center
- **Middlesex County Probate and Family Court** (208 Cambridge Street, East Cambridge) Thursdays, 10:00 am-1:00 pm, 2nd floor

Settlement and Early Resolution Volunteers (SERV)

SERV is a court-certified pro bono program that provides conciliation to low-income, unrepresented parties in family law cases. SERV's focus on conciliation helps both sides reach a fair agreement that day.

- **Suffolk County Probate and Family Court** (24 New Chardon Street, Boston) Mondays and Wednesdays, 9:00 am-1:00 pm, 4th floor outside of Courtroom 3, Edward Brooke Courthouse

Small Claims Clinic

Eligible clients with trials scheduled before a Clerk Magistrate in Small Claims receive assistance from pro bono volunteers. They may give advice, brief services, LAR with negotiating settlements, or representing a client in small claims trials. Experienced consumer law attorneys are available for mentoring and guidance, and we have forms, files, reference materials and other items for volunteer attorneys.

- **Quincy District Court** (1 Dennis Ryan Parkway, Quincy) 1st Tuesday of every month, 1:30-4:00 pm on the 2nd floor
- **Cambridge District Court** (4040 Mystic Valley Parkway, Medford) 1st Thursday of the month, 8:45-11:00 am

- **BMC Central - Small Claims** (24 New Chardon Street, Boston)
1st and 3rd Thursdays of the month, 1:00-3:00 pm on the 1st floor
- **BMC Dorchester District Court - Small Claims Division** (510 Washington Street, Boston) 2nd and 4th Thursdays of the month, 10:00 am-1:00 pm

Wage Theft Clinic

In partnership with the A. G. 's Office Labor Division and various community partners to combat wage theft and worker exploitation, monthly clinics provide limited legal consultation and education and outreach related to workers' rights law. Lawyers will provide limited legal consultation for workers who have been issued a private right-of-action letter by the Fair Labor Division of the Attorney General's Office. Pro bono lawyers will be provided to clients who seek assistance with wage and hour cases.

Suffolk Law School (120 Tremont Street, Boston, near the Park Street Station) Function Room on the 1st floor, for the current monthly schedule go to <https://www.mass.gov/service-details/free-wage-theft-legal-clinic>