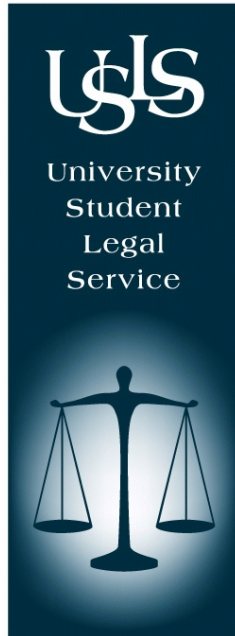


# USLS Handbook

UNIVERSITY OF MINNESOTA



*Founded by student initiative in 1976, University Student Legal Service strives both to help students deal with legal problems and to educate students about their legal rights and responsibilities.*

*USLS is funded in part by the Student Services Fee.*

**University Student Legal Service**

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## BASICS

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### **Location and Hours**

USLS is located in the West Bank Skyway, which is between Blegen and Willey Halls on the Minneapolis campus. USLS office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

### **USLS Staff**

The USLS legal staff are professionals who are experienced in the areas of law important to students and who are sensitive to the special needs of student clients. The staff consists of a director, an associate director (both attorneys), four staff attorneys, two legal assistants, law clerks, as well as administrative and clerical support staff.

New cases are assigned to members of the legal staff according to case topic and current case load. Except under exceptional circumstances, clients may not choose a specific USLS staff member. USLS will make every effort to honor requests for special assignment of sensitive matters.

### **USLS Governance**

USLS is a Department in the Office of Student Development at the University of Minnesota. In addition, USLS has a student-run Board of Directors composed of students, faculty, university administrators, and practicing attorneys. The USLS Board sets USLS policy to assure that USLS is responsive to the current needs and wishes of the students at the University of Minnesota.

Student positions on the USLS Board are filled during spring semester for the following academic year. Interested students may obtain applications and position descriptions by calling USLS.

### **How to Use USLS**

USLS operates on an appointment basis. Students may make appointments by calling 612/624-1001. USLS does not give legal advice over the phone. If a student is not eligible for USLS services, USLS will provide referrals whenever possible. In addition, USLS distributes numerous free brochures on a variety of legal topics.

In order to receive a legal form, students must schedule an appointment. A legal staff member will then explain and distribute any necessary forms to the client.

### **Fees & Costs**

Legal problems may involve three types of expenses for the client: fees, costs, and fines or penalties. **Fees** are paid to USLS for specific services. **Costs** are paid to outside agencies, such as court filing fees, transcript purchases, and payment for service of papers. **Fines** and **penalties** constitute the third type of expense. These are generally assessed to punish or to deter conduct.

USLS does not charge a fee for **initial** legal advice and consultation. Additional services may require a fee. The USLS Board of Directors sets the amount USLS charges for specific services. In order to assure that legal services are affordable to students, USLS fees are substantially lower than fees generally charged for comparable services. A copy of the current fee schedule is available at the USLS office. A client who must pay a fee will be asked to sign a written fee agreement. If the fee would pose an undue burden to a client, he or she should discuss the situation with the assigned attorney or legal assistant.

USLS clients are responsible for payment of all costs associated with their cases. However, if a student's income is within certain guidelines, it may be possible to get an "In Forma Pauperis" order from the court, which waives most court costs. Students should ask their attorneys or legal assistants for more information about waiving costs in this manner.

Fines and penalties are always the responsibility of the client and cannot be waived by an In Forma Pauperis Order.

## **POLICIES**

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### **Confidentiality**

USLS carefully follows all rules and regulations applicable to the confidentiality of client confidences and secrets.

### **Eligibility**

Because students provide all the funding for USLS, legal representation is available only to eligible students. In order to be eligible, a client must (1) be enrolled as a student at the University of Minnesota (Twin Cities Campus) (2) pay the student services fee and (3) have a legal matter eligible for USLS services as described on pages 6-10.

USLS is unable to continue services if a client does not continue to meet eligibility criteria. (USLS will not withdraw from an active case during summer session if a student is eligible spring semester and can demonstrate that s/he will be eligible fall semester.) If the major issues in a case are resolved when eligibility terminates, but the case is not completely concluded, a client may apply for a brief extension of services for the purpose of completing any minor tasks that may remain. At the time of application, USLS will inform clients of any additional fees which may be assessed.

Certain other circumstances may make a student ineligible for USLS services, including: (1) staff compliance with ethical and legal requirements (2) a client's display of threatening or disrespectful conduct to USLS staff (3) a client's failure to meet client responsibilities or (4) staff compliance with University or USLS regulations or policies.

### **Representation During Breaks and During Summers**

USLS does not schedule intake appointments during winter or spring breaks. Students seeking assistance should call for an appointment before the break begins. If no appointments are available before break, USLS will gladly schedule an appointment following break. Students who do not pay the student services fee for the summer session are not eligible to schedule an intake appointment during the summer.

Under some circumstances, students with emergency legal matters may

apply to receive legal assistance during semester and summer breaks. In order to be considered for assistance during breaks, the student must have been eligible throughout the preceding semester and must establish that s/he will be eligible the next semester.

Emergencies where USLS may elect to provide services include situations when a student: (1) has a mandatory court appearance (2) must respond to a legal matter before fall semester (3) or is being evicted.

### **Missed Appointments**

Students are expected to call the office in advance to cancel or reschedule an appointment. If a student misses two appointments in a term without having called in advance, that student must pay a fee before making a third appointment.

### **Complaints**

If a student has a complaint about USLS, s/he should first discuss the problem with the attorney or legal assistant with whom s/he is working. If this does not resolve the concern, s/he should contact the USLS Director in writing. If not satisfied, s/he may appeal to the USLS Board of Directors by completing a written complaint form and sending it to the USLS Board of Directors at 160 West Bank Skyway, 219 19<sup>th</sup> Avenue South, Minneapolis, MN 55455. A special committee appointed by the USLS Board Chairperson (a student) will review the complaint. In addition to submitting a written complaint, an aggrieved student has the option of making an oral presentation to the committee.

Students who would prefer to be represented by an advocate in connection with a USLS complaint should contact the Student Dispute Resolution Service at the University of Minnesota for assistance.

In case of a formal complaint, USLS has the right to reveal any relevant information and confidences relating to the complaint to the review committee.

## **EDUCATION AND SPECIAL SERVICES**

### **Education**

USLS staff members conduct a variety of educational programs, lectures, and presentations each year to help students understand the law and prevent legal problems. In addition, USLS has prepared a variety of publications to assist students in understanding the law and asserting their rightful claims.

### **Mentor Program**

The USLS Mentor Program sponsors a variety of events throughout the year that allow students to meet attorneys, judges, and paralegals to explore opportunities in the legal profession.

### **Notary Service**

USLS staff members notarize documents or signatures free of charge during office hours. No appointment is necessary unless there are numerous documents involved.

If a student wishes to have a signature notarized, s/he should bring a photo identification with a signature. It is important that the student not sign the document until s/he appears in front of the notary.

To get a certified copy of an original document, students should bring the original document. USLS will photocopy the document and then notarize the copy as true and correct.

### **Referrals**

USLS maintains an extensive list of agencies and services, which it consults when unable to offer direct services to a student.

## **CLIENT ADVOCACY**

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### **Advocacy: Scope of Services**

One of the central missions of USLS is to provide legal advocacy to eligible students. Advocacy services may include advice, document preparation, negotiation, and representation in court.

The USLS Board of Directors has adopted guidelines for the types of matters for which USLS will provide advocacy services. The USLS Board periodically amends USLS policy and service guidelines to reflect changing program resources and student needs.

USLS reserves the right to make the final determination of eligibility for services. Regardless of case type, the guidelines exclude matters which may unduly burden program resources to the disadvantage of other eligible students. USLS will not pursue a claim on behalf of a client if the claim is not supported by applicable law.

### **Advocacy: Guidelines**

USLS provides services in the following matters:

- ▶ **TENANT RIGHTS**  
Repairs, security deposits, evictions (unlawful detainers), and lease interpretations
- ▶ **CONSUMER MATTERS**  
Automobile purchases and repairs, credit problems, contracts, insurance coverage, defective goods and services, student loans, and property loss
- ▶ **COLLECTION OF JUDGMENTS**  
Garnishment and levy on known assets (USLS does not locate assets for collection purposes)
- ▶ **WILLS AND TRUSTS**  
Basic wills and trusts, including mutual wills and living wills
- ▶ **IMMIGRATION**

Student visas, asylum, and immediate relative petitions

- ▶ **CRIMINAL CASES**  
Misdemeanors, aggravated traffic matters, and expungements (sealing of records)
- ▶ **FAMILY LAW MATTERS**  
Simple dissolutions, legal separations, paternity, domestic abuse, custody, visitation, support, and adoptions
- ▶ **MISCELLANEOUS MATTERS**  
Wage claims, name changes, and powers of attorney

### **Advocacy: Limited Services**

USLS does not provide courtroom representation in Conciliation Court matters.

USLS provides only advice and/or referrals for the following:

- ▶ Claims for nominal monetary value
- ▶ Employment grievances
- ▶ Petty misdemeanors
- ▶ Representation in situations where the legal matter can reasonably be expected to continue after the student is no longer eligible
- ▶ Cases in which a student asks for representation so late that USLS lacks sufficient time to provide adequate assistance
- ▶ Matters which may unduly burden program resources to the disadvantage of other eligible students
- ▶ Assistance to student organizations
- ▶ Cases arising outside of the seven-county (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties) metropolitan area

- ▶ Legal matters over which Minnesota courts do not or would not have jurisdiction.

#### **Advocacy: Special Circumstances**

USLS will determine eligibility for the following by reviewing the unique facts of each case on a case-by-case basis:

- ▶ **APPEALS**  
Appeals of decisions from one court or agency to another
- ▶ **GOVERNMENT BENEFITS**  
General Assistance, Minnesota Investment in Families Benefits, Social Security Benefits, Child Care Subsidies, Veterans' Benefits and Medical Assistance
- ▶ **AGGRAVATED OR ENHANCED MISDEMEANORS**  
Offenses which are ordinarily misdemeanors, but are punished as gross misdemeanors because of extenuating circumstances

#### **Advocacy: Exclusions**

USLS provides services for only those legal matters expressly stated above. All other case types are excluded.

Even if a case involves a legal matter listed above, USLS cannot provide service in the following situations:

- ▶ Claims against or adverse to the University of Minnesota.
- ▶ Claims against or adverse to the University of Minnesota regents, employees, or agents if the claim arises out of the performance of duties of office or employment at the University of Minnesota.
- ▶ Cases challenging policies or practices of the University of Minnesota.
- ▶ Matters that are prohibited by the ethical standards and regulations governing USLS attorneys.

- ▶ Cases involving one eligible student with a claim that is adverse to another student. (This exclusion includes situations involving a student who seeks representation during the summer against another student who was eligible for USLS services spring semester and who is still enrolled in a degree program.) If one student signs a written waiver of his or her right to use USLS services, the other student may then be eligible.

If the adverse party were eligible at the time the legal matter arose but is no longer eligible, USLS will determine eligibility on a case-by-case basis.

(Note: Once USLS has commenced representation, USLS will not terminate representation on the basis that the adverse party later becomes eligible for USLS services.)

- ▶ Matters customarily handled as contingent fee cases (e.g., personal injury, etc.).
- ▶ Cases in which others (e.g., insurance companies) are obligated to provide legal representation.
- ▶ Matters in which another attorney has begun representation.
- ▶ Situations in which legal matters existed before a student became eligible for USLS services. USLS reserves the right to determine whether the matter existed prior to eligibility. using the following guidelines:
  - ▶ **Civil** matters are deemed pre-existing when the transaction or event from which the claim arose occurred before the student became eligible and the student knew of the claim or should have known of the claim.
  - ▶ **Criminal** cases may be excluded as pre-existing when a student contacts USLS so late that USLS has insufficient time to prepare for effective representation.
- ▶ Business, commercial, or income-generating matters.

- ▶ Matters challenging the quality or value of an attorney's services.
- ▶ Representation of a co-plaintiff or co-defendant who is not eligible, unless the Director deems representation necessary to protect the rights of an eligible client.
- ▶ Cases in which the claim is primarily that of an individual who is not eligible and/or in which the eligible student has only a negligible interest.

### **Advocacy: Client Responsibilities**

To assist USLS with representation, clients are asked to:

*Be truthful.* Clients must provide complete and accurate information about eligibility and about their cases.

*Cooperate in the preparation of cases.* Clients must promptly provide all available records, documents, and information related to their cases and update this information as needed. Clients must also consult with their legal representatives before doing anything that might affect their legal situations.

*Attend all scheduled court appearances and office appointments at the scheduled time.* If an urgent matter prevents attendance, clients should immediately inform USLS.

*Pay any expenses promptly.* Many cases do not require fees or costs. If a case requires a client to pay an expense, he or she must pay the expense promptly.

*Immediately inform USLS of any changes in address or telephone number.*

### **Advocacy: Withdrawal from Representation**

Legal representation is available only to students who (1) are enrolled as students at the University of Minnesota (Twin Cities Campus) (2) pay the student services fee and (3) have a legal matter which falls within the USLS guidelines for representation.

USLS will withdraw from a case when a client is no longer eligible. If the major issues in a case are resolved when eligibility terminates, a client may apply for a brief extension of USLS services for the purpose of completing any minor tasks remaining. At the time of the application, USLS will inform the client of any fees that may be required if the application for an extension of services is granted. (USLS will not withdraw from an active case during summer session if a student is eligible spring semester and can demonstrate that s/he will be eligible fall semester.)

USLS may withdraw from representation or refuse to take any action on a case for other reasons including: (1) when withdrawal is necessary to comply with the ethical and legal requirements applicable to a situation (2) when a client has been disrespectful to USLS staff (3) when a client has not met the client responsibilities or (4) when necessary to comply with certain University or USLS policies. (The most frequently encountered examples of the last condition are discovery that a case involves a claim adverse to another eligible student or adverse to the University of Minnesota.)

### **Advocacy: Policies and Procedures**

USLS follows certain policies and procedures necessary for professional and efficient case management.

*File Destruction:* USLS must periodically destroy files. A client must contact USLS within three years of the conclusion of a legal matter to obtain materials from his or her file. If a client does not make a request within that three-year period, USLS will assume the client has forfeited claim to the file and agreed that USLS can destroy the file.

### **Advocacy: Withdrawal as Counsel of Record**

In some situations, such as family law cases, USLS must withdraw as the attorney named as legal representative in a court file. This withdrawal is done at the conclusion of a legal proceeding and is necessary in order to have notice of any future proceedings sent to the client.

This document, the *USLS Handbook*, was approved by the USLS Board of Directors on May 19, 2000, and supersedes all previous versions of USLS client policies. Call USLS at 612/624-1001 to inquire about updated editions of the *USLS Handbook* or other client policies.

All persons shall have equal access to USLS services, programs and facilities without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, or sexual orientation. Any individual needing special accommodations should contact USLS.

The University's mission, carried out on multiple campuses and throughout the state, is threefold: research and discovery, teaching and learning, and outreach and public service.

This publication is available in alternative formats upon request. Please contact USLS, 160 West Bank Skyway, 219 19th Ave S, Minneapolis, MN 55455, 612/624-1001, [usls@tc.umn.edu](mailto:usls@tc.umn.edu), [www.umn.edu/usls](http://www.umn.edu/usls).

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