



# Tip of the Month May 2018

## Help with Common Challenges at Legal Clinics

Submitted by VLN staff

Below are some common challenges at legal clinics and related suggestions. For more information, please see the Clinics Skills Manual at [www.vlnmn.org/volunteer-resources](http://www.vlnmn.org/volunteer-resources).<sup>i</sup>

Challenge	Suggestion
<b>RE: IDENTIFYING YOUR CLIENT’S GOAL AND CURRENT SITUATION</b>	
<p>Clients often mis-identify their legal issue, which hinders us in helping them achieve their real goal.<sup>ii</sup></p>	<p>Sample questions: <i>I see you identified your issue as [xx]. Can you tell me a little more about why you’d like that to happen?</i></p> <p><i>What would be the most helpful thing for you to have happen in the next 20 minutes?</i></p>
<p>Clients don’t know what facts are relevant to us, omitting important facts or including irrelevant facts.</p>	<p>Gently guide the conversation away from facts that aren’t relevant, unless you have time to give your client a chance to be fully heard. Sample language: <i>I know this has been so hard for you and I’d also like to make sure we get as much done for you as we can in the time we have. Can I ask you to tell me more about xxx?</i></p>
<p>Clients may have logistical barriers to following “routine” steps.</p>	<p>Sample language: <i>If it’s okay with you, I’d like to ask a few questions to help me figure out how to best help. Can you get downtown during regular business hours? Do you have any disabilities? Are there any warrants against you (might not want to go to a court hearing)? Etc.</i></p>
<p>Clients are often nervous talking about an issue which will have a great impact on their life. They can be highly attuned to body language that conveys judgment or minimization.</p>	<p>Be as patient and welcoming as you can. It’s possible to be efficient while still conveying concern and acceptance. Be intentional with body language to convey interest and empathy. Treat them with as much courtesy as a paying client.</p>
<b>RE: IDENTIFYING (WITH YOUR CLIENT) THE BEST COURSE OF ACTION</b>	
<p>Even when your client has a legal issue with merit, a court hearing is often not the best option to meet their goal.</p>	<p>Sample language: <i>We could file a court action for this. A court action would involve drafting a claim, serving the other party, [gathering evidence, preparing your case, enforcing the judgment (if you win), etc.].</i></p> <p><i>Or I could try making a call or writing a letter instead. Sometimes that can help and take less time.<sup>iii</sup> Which would you prefer I do today?</i></p>

Challenge	Suggestion
When a client doesn't have a legal issue with merit, solutions outside the court process may still be helpful.	Sample language: <i>I'm sorry – this problem isn't something that can be solved in court. Would you like me to try calling the other party to see if we can reach a mutually acceptable agreement? Or draw up a plan for you to do [x]?</i>
When there are no solutions to a client's problem, it's difficult (but essential) to let them know to prevent them from wasting their energy.	Sample language: <i>I'm sorry – this problem isn't something that can be solved in court and is not something a lawyer can help you with. Would you like to check out some other options by calling 2-1-1 (United Way First Call For Help)?</i>
<b>RE: NEXT STEPS</b>	
Clients may have a hard time understanding, remembering, and or/conveying to others your advice and/or referrals. They may also have low literacy skills.	Write down your advice on the VLN note pads, breaking it down into manageable steps. Include what should happen, by whom, when, where, and how. As applicable, include referrals. <sup>iv</sup> Write steps in as plain language as you can.
The steps to achieve your client's goal may require more than one clinic session.	Let your client know they can come back to the clinic for follow-up advice. Tell them to bring your written summary and any relevant documents for the next attorney's reference.
Clients are given unrealistic expectations when being referred to the VLN intake line for additional help.	Clients are often at clinics because the clinic is the <u>only</u> VLN service available to them. If you refer a client to the VLN intake line, be clear that VLN might not be able to provide additional help.
<b>RE: CROSS-CULTURAL LAWYERING</b>	
We all have an automatic unconscious bias <i>against</i> people who are different from us, such as those living in poverty, those who aren't as literate/educated as we are, or those who do not express their thoughts in a linear fashion.	Learn about your clients' context (e.g., poverty and constant crisis <sup>v</sup> ). This can help to value differences (vs. just tolerating them) and also to avoid the common mistake of ethnocentricity: judging another person's decisions according to <i>our</i> context rather than according to <i>their</i> context. For upcoming VLN CLEs, see <a href="http://www.vlnmn.org/events">www.vlnmn.org/events</a> and for resources see <a href="http://www.vlnmn.org/volunteer-resources">www.vlnmn.org/volunteer-resources</a> .

<sup>i</sup> For more tips, also see, [Coaching for Performance](#), by John Whitmore.

<sup>ii</sup> For example, "I want to terminate my parental rights" may be a wish to reinstate their drivers' license. "I want an *ex parte* order to stop a cremation" may be a wish to visit their loved-ones remains one last time.

<sup>iii</sup> See Feb. 2011 Tip of Month on *Meeting Your Professional Responsibility when Providing Limited Scope Services*.

<sup>iv</sup> To better accommodate our clients' varying literacy levels, as well as promote more helpful referrals, we have recently updated the referral list on our clinics pads. Please contact us if you have suggestions for our next review.

<sup>v</sup> While living in poverty is traumatic, many people who work with people in poverty report vicarious resiliency, which includes an admiration for how people can thrive under adverse circumstances, a greater appreciation for one's own life, and more.