

Student Legal Service

Policy Handbook

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A UNIT OF THE OFFICE FOR
Student Affairs

STUDENT LEGAL SERVICE

UNIVERSITY OF MINNESOTA

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BASICS

Location and Hours

Student Legal Service (SLS) is located at 160 West Bank Skyway, between Blegen and Willey Halls, on the West Bank of the Minneapolis campus. SLS office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday.

SLS Staff

Because we are an office just for U of M students, we are able to focus our practice on the legal issues that are often unique to students. The staff consists of a director/attorney, six staff attorneys, two paralegals, two law clerks, as well as administrative 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 SLS staff member. SLS will make every effort to honor requests for special assignment of sensitive matters.

SLS Governance

SLS is a department of the Office of Student Affairs at the University of Minnesota-Twin Cities Campus. In addition, SLS has a student-run Board of Directors composed of students, faculty, university administrators, and local practicing attorneys. The SLS Board sets the office's policies to assure that we are responsive to the current needs and concerns of the students at the University of Minnesota.

Student positions on the Board are typically filled during spring semester for the following academic year. If there are vacancies on the Board during a given semester, the current Board may interview and accept new members. Interested students may apply online, and applications are accepted on a rolling basis.

How to Use SLS

SLS operates on an appointment only basis (with the exception of our notary services*). Students may make appointments by emailing the office at usls@umn.edu or by calling (612) 624-1001. In order to use our services, students must be eligible under our eligibility requirements (see "Policies" section below). SLS does not give legal advice over the phone or by email prior to an intake appointment. If a student is not eligible for SLS services, the office will provide resources whenever possible.

*1-9 Employment Authorizations require an appointment, as do notarizations involving five or more documents.

Copays & Costs

Legal problems may involve several expenses that a client might incur: costs, and fines or penalties. Costs, such as court filing fees, transcript purchases, and payment for service of papers, are paid to outside agencies. Fines and penalties constitute the third type of expense. These are generally assessed by the court to punish or to deter conduct.

SLS does not charge a copay for legal advice and consultation; however, the SLS Board of Directors may establish a copay for a selective service. In order to assure that legal services are affordable to students, SLS copays are substantially lower than fees generally charged for comparable services. If

the copay would pose an undue burden to a client, he or she should discuss the situation with the assigned attorney or legal assistant.

SLS 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 attorney or legal assistant 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

Confidentiality

Student Legal Service (SLS) carefully follows all rules and regulations applicable to attorney-client confidentiality.

Eligibility

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 in the current semester (see special policy for Summer term in section “Representation During Breaks and During Summer”) and; (3) have a legal matter eligible for SLS services as described on pages 6-10.

SLS cannot continue to provide services if a client does not continue to meet eligibility criteria. (SLS 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, SLS will inform clients of any additional fees which may be assessed.

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

Representation During Breaks, May Term, and Summer Semester

SLS does not typically schedule intake appointments during winter or spring breaks. If no appointments are available before break, SLS will gladly schedule an appointment into break, but only if a student calls before the end of the semester. For both May and Summer terms, a student is considered eligible if she is enrolled and paying the Student Service Fee during that respective term.

During summer or during break, a student may be eligible if the situation is an emergency or mandates immediate attention, and they must be able to demonstrate that they have paid the Student Service Fee in the semester prior to break/summer term and in the upcoming semester. (For example, to be eligible in summer, a student will be required to have paid the fee in Spring and be expected to pay in Fall). In non-emergency cases, students will be directed to call in the Fall or after break.

Emergencies where SLS 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 may be required to pay a copay before a third appointment can be scheduled.

Complaints

If a student has a complaint about SLS, they should first discuss the problem with the attorney or legal assistant with whom they are working. If this does not resolve the concern, the student should contact the SLS Director in writing. If not satisfied, the student may appeal to the SLS Board of Directors by writing them at uslsbod@umn.edu or SLS Board of Directors at 160 West Bank Skyway, 219 19th Avenue South, Minneapolis, MN 55455. A special committee appointed by the SLS Student Board Chairperson 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 SLS complaint should contact the Student Conflict Resolution Center at the University of Minnesota for assistance.

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

EDUCATION AND SPECIAL SERVICES

Education

SLS 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, SLS has prepared a variety of publications to assist students in understanding the law and asserting their rightful claims.

Mentoring Program

SLS offers informal and structured mentoring opportunities. Our office sponsors a variety of events throughout the year that allow students to meet attorneys, judges, and paralegals to explore educational, internship and job opportunities in the legal profession. Our Emerging Leaders in the Law Program is intended to encourage underrepresented students to pursue a career in the law. If you are interested, please contact us at usls@umn.edu.

Notary Service

SLS staff members notarize documents or signatures free of charge during office hours. No appointment is necessary unless there are five or more documents involved or the document is an I-9 Employment Authorization Form. Our notary services are only available to University of Minnesota students, staff, and faculty.

Anyone wishing to have a document notarized, must present a photo identification with a signature. It is important that you do not sign the document until you are in front of the notary.

To get a certified copy of an original document, students must present the original document. If you have not provide your own copy, SLS will photocopy the document and then notarize it as a true and correct copy of the original.

Referrals and Resources

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

CLIENT ADVOCACY

Scope of Services

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

The SLS Board of Directors has adopted guidelines for the types of matters or cases it accepts. The SLS Board periodically amends SLS policy and service guidelines to reflect changing program resources and student needs.

SLS 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. **SLS will not pursue a claim on behalf of a client if the claim is not supported by applicable law.**

Guidelines

SLS provides services in the following matters:

- ▶ **TENANT RIGHTS**
Examples: Repairs, security deposits, evictions, and lease reviews;
- ▶ **CONSUMER MATTERS**
Examples: 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 (SLS does not locate assets for collection purposes);
- ▶ **WILLS AND TRUSTS**
Basic wills and trusts, including wills for spouses or partners and health care directives;
- ▶ **IMMIGRATION**
Examples: Student visas, asylum, and immediate relative petitions
- ▶ **CRIMINAL CASES**
Examples: Misdemeanors, aggravated traffic matters, and expungements (sealing of records)
- ▶ **MISCELLANEOUS MATTERS**
Examples: Wage claims, name changes, powers of attorney, notary public.

Limited Services

SLS provides courtroom representation in conciliation court matters at the attorney's discretion. SLS provides only consultation and/or referrals for the following:

- ▶ Family law matters;
- ▶ 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 SLS 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 where Minnesota courts do not or would not have jurisdiction; and
- ▶ Cases in the Federal Court system.

Special Circumstances

SLS 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.

Exclusions

SLS 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, SLS 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 SLS attorneys;
- ▶ Cases involving one eligible student with a claim that is adverse to or potentially in conflict with another U of M student. (This exclusion includes situations involving a student who seeks representation during the summer against another student who was eligible for SLS 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 SLS services, the other student may then be eligible;

- ▶ If the adverse party was eligible at the time the legal matter arose but is no longer eligible, SLS will determine eligibility on a case-by-case basis.
- ▶ (Note: Once SLS has commenced representation, SLS will not terminate representation on the basis that the adverse party later becomes eligible for SLS 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 SLS services. SLS 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 SLS so late that SLS 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.

Client Responsibilities

To assist SLS 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 SLS;
- ▶ 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 SLS of any changes in address, email, or telephone number, as well as any changes in their case and;
- ▶ Facilitate a favorable case outcome. Clients must consult with their legal representatives before doing anything that might adversely affect their legal matter and avoid any action that unnecessarily makes representation unreasonably burdensome or difficult.

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 SLS guidelines for representation.

SLS 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 SLS services for the purpose of completing any minor tasks remaining. At the time of the application, SLS will inform the client of any fees that may be required if the application for an extension of services is granted. (SLS 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.)

SLS 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 SLS staff; (3) when a client has not met the client responsibilities or; (4) when necessary to comply with certain University or SLS 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.)

Withdrawal as Counsel of Record

In some situations, by example, family law cases, SLS 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.

Policies and Procedures

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

File Destruction

SLS must periodically destroy files. A client must contact SLS 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, SLS will assume the client has forfeited claim to the file and agreed that SLS can destroy the file.

This document, the Student Legal Service Handbook, was approved by the SLS Board of Directors on October 13, 2017, and supersedes all previous versions of SLS client policies. Call SLS at (612) 624-1001 to inquire about updated editions of the SLS Handbook or other client policies.

All persons shall have equal access to SLS 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 SLS.

The Student Legal Service Mission is to provide students with high quality, low cost legal services from experienced attorneys and legal professionals. Through counseling and representation, SLS helps students gain meaningful access to the legal system and achieve improved legal outcomes.

University Student Legal Service educates students about their legal rights and responsibilities, helping them to avoid legal conflicts that could adversely affect their education.

SLS actively supports the University of Minnesota in its mission, objectives, and goal of being recognized as one of the top universities in the world.