

## Referral and Matching Protocols

### 1. Initial Screening and Referral

Every Roster case is a screened referral from front-line service providers such as the Legal Services Society, the UBC Law Students' Legal Advice Program, the University of Victoria Law Center, private lawyers and advocates.

For each prospective client, the referring lawyer, student or advocate should complete the standard Referral Form (available in hard copy from the above-named referral agencies, on request from Access Pro Bono Society of BC and on-line at <http://probononet.bc.ca/referralform.php> in PDF printable and writable formats).

The Referral Form requires that the referring lawyer, student or advocate provide the name and contact information for both him/herself and the client. The Referral Form also requires that the referring lawyer, student or advocate provide the following information necessary to determine whether the client meets the basic requirements for acceptance into the Roster Programs:

- confirmation that the client has exhausted all available options for legal aid, duty counsel or other pro bono assistance;
- confirmation that the client's income falls within the financial eligibility requirements of the requirements for clients referred through private lawyers and advocates);
- a concise description of the facts and circumstance that give rise to the client's defence or claim;
- confirmation that the client's legal problem demonstrates some legal merit; and
- a concise description of the type and scope of pro bono assistance that the client requires from a Roster lawyer in order to advance or meet his/her case.

The referring lawyer, student or advocate will forward the completed Referral Form to Access Pro Bono Society of BC by mail, fax, e-mail or by posting on the on-line Referral Form.

### 2. Second Screening and Referral

Upon receipt of a Referral Form, Access Pro Bono Society of BC will first determine whether the Referral Form is completed in its entirety. If further information is required in order to process the referral, Access Pro Bono Society of BC will contact the referring lawyer, student or advocate to that end.

Access Pro Bono Society of BC will then determine if the type and scope of the suggested legal assistance and/or representation is prima facie suitable for a Roster Program lawyer. If suitability is established, Access Pro Bono Society of BC will forward the Referral Form to the Program Coordinator. If suitability is not established, Access Pro Bono Society of BC will send a standard-form rejection letter to the client by mail or e-mail notifying him or her of that fact.

### 3. Third Screening and Matching

Upon receipt of a Referral Form from Access Pro Bono Society of BC, the Program Coordinator will first determine whether the type and scope of the suggested legal assistance and/or representation is suitable for a Roster Program lawyer.

The Program Coordinator has the unfettered discretion to reject an application on this basis. The Program Coordinator will then determine whether any Roster Program lawyers are located within the general area of the client's address. If so, the Program Coordinator will send an e-

mail to all such lawyers advising them of the particular pro bono opportunity. If not, the Program Coordinator will notify Access Pro Bono Society of BC, who will in turn send a standard-form rejection letter to the client by mail or e-mail notifying him or her of that fact.

Pro bono opportunities will be available to Roster Program lawyers on a first-come, first-served basis. Roster Program lawyers are encouraged to advise the Program Coordinator as to whether they are interested in the pro bono opportunity or not. Roster Program lawyers must conduct a thorough conflict check of the parties listed on the Referral Form prior to volunteering for the pro bono opportunity.

If the Program Coordinator's initial e-mail does not yield any interest, the Program Coordinator may then call particular Roster Program lawyers or advertise the pro bono opportunity to non-Roster Program lawyers. Note: if a non-Roster Program lawyer accepts a pro bono opportunity, s/he must sign on to insurance coverage through Access Pro Bono Society of BC.

Once a Roster Program lawyer expresses interest in pursuing the pro bono opportunity, Access Pro Bono Society of BC will provide the client's contact information to the lawyer, as well as Access Pro Bono's standard Service Agreement and Closing Survey.

Access Pro Bono Society of BC will then contact the client by telephone, mail or e-mail and will explain the following to the client:

- a) the Roster Program lawyer is responsible for contacting the client, and if the client does not hear back from the lawyer within a weeks' time, then Access Pro Bono Society of BC will follow up with the lawyer.
- b) the Roster Program lawyer has agreed only to an initial consultation with the client; and
- c) if the Roster Program lawyer agrees to assist or represent the client, it will be strictly for those issues confirmed in the Service Agreement (or its equivalent);

Access Pro Bono Society of BC will then record on [www.probononet.bc.ca](http://www.probononet.bc.ca) that a tentative match has been made for the particular pro bono opportunity.

Roster Program lawyers may request disbursement coverage of up to \$2,500, and Access Pro Bono Society of BC maintains the discretion to provide disbursement coverage in excess of \$2,500 to single cases showing exceptional merit or substantial impact of social justice issues. Access Pro Bono Society of BC reserves the right to recover disbursement amounts paid out in cases where costs are awarded to the pro bono client. More information on disbursements can be found at <http://accessprobono.ca/disbursement-coverage>

#### **4. Lawyer/Client Initial Consultation**

The Roster Program lawyer will meet with the client to finally determine if s/he can assist or represent the client. The client should bring all relevant documents to the consultation.

At the consultation, if the Roster Program lawyer agrees to assist or represent the client, s/he may outline the scope of the representation in the Service Agreement. Once the Service Agreement (or its equivalent) is signed and the consultation is concluded, the Roster Program lawyer will forward the Service Agreement (or its equivalent) by mail or e-mail.

#### **5. Follow-up**

Access Pro Bono Society of BC will follow-up with the Roster Program lawyer by e-mail to inquire as to whether the Roster Program lawyer has access to adequate administrative support, and whether any problems have arisen between the Roster Program lawyer and the client.

#### **6. Terminating a client**

The criteria for terminating a client are set out in the Service Agreement. Once the Service Agreement (or its equivalent) has been signed, the Roster Program lawyer has the same obligations to a pro bono client as s/he would have to a paying client.

On occasion, a Roster Program lawyer may be unable to continue representing a client due to unforeseeable circumstances. With the client's consent, the Program Coordinator will then attempt to secure another Roster Program lawyer willing to take over the obligations under the Service Agreement (or its equivalent). If the Program Coordinator succeeds in securing another Roster Program lawyer, the matching/meeting process will recommence. If the replacement Roster Program lawyer agrees to assume the responsibilities under the Service Agreement, the original Roster Program lawyer will forward the client's files to him or her.

## **7. Closing a File/Closing Survey**

Upon closing a file, the Roster Program lawyer should send the Closing Survey to Access Pro Bono Society of BC. These documents are vital for determining client satisfaction, for assessing the efficiency of the Roster Program and for reporting statistics.

For record-keeping purposes, the Roster Program lawyer should maintain possession of the client's files for seven years after the file is closed. If a client or Roster Program lawyer sends the client file (other than the Service Agreement) to the Program Coordinator or Access Pro Bono Society of BC, they will be immediately returned to the Roster Program lawyer for safekeeping.