



THE TENNESSEE  
**FAITH & JUSTICE**  
ALLIANCE

**Implementation  
Manual  
2016**

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**Program Overview:**  
**The Tennessee Faith & Justice Alliance**  
**and the Faith-Based Referral Model**

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## **Program Overview**

### **The Problem**

More than 35 million Americans live below the poverty level, and another 10 million have incomes that are less than 25% higher than that level. At least 40% of these Americans have a legal problem of some kind each year. In Tennessee, 70% of low-income residents experience some type of legal problem each year. Approximately one million Tennesseans need legal counsel and cannot afford it. With a limited number of Legal Aid attorneys, most of those low income individuals have limited or no access to legal counsel. They feel shut out from the legal system. They do not turn to the system for solutions because they believe the system will not help them or because they may not understand that there are legal solutions to the problems they face.

### **Tennessee Access to Justice Commission**

The Access to Justice Commission (“ATJC”) was created by the Supreme Court to develop a strategic plan for improving access to justice in Tennessee that includes education of the public, identification of priorities to meet the need of improved access to justice, and recommendations to the Supreme Court of projects and programs the Commission determines to be necessary and appropriate for enhancing access to justice in Tennessee. The first strategic plan was unveiled in 2010, and the Commission presented its second strategic plan in the spring of 2012. One aspect of the strategic plan is to incorporate the faith-based communities into the initiatives of the Access to Justice Commission.

### **The Tennessee Faith and Justice Alliance**

The Tennessee Faith and Justice Alliance (“TFJA”) is a project of the Access to Justice Commission. It is an alliance of faith-based groups in Tennessee who commit to providing legal resources to their congregations and communities. The TFJA was created to align needs seen at the local house of worship level with possible legal resources that are nearby, perhaps even within the same congregation. The notion is to connect with people in need in a place they already go to seek help with a problem. That place is quite often their place of worship. The focus of this Manual is on the TFJA Referral Model, but a house of worship could implement a number of other programs including faith-based legal clinics, a mediation program, or community education on legal topics. For information on implementing a program other than the Referral Model, please see the Master Check List for Implementing a TFJA Project section.

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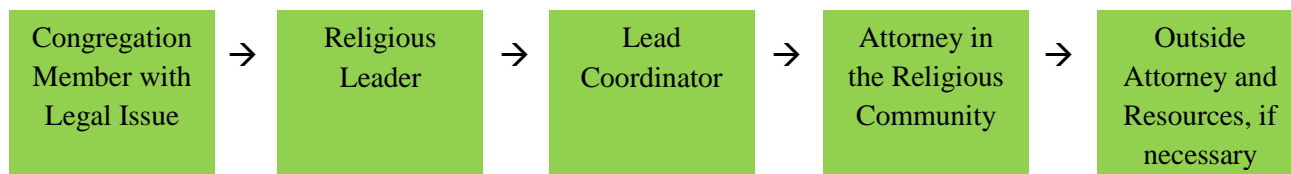
## Training to Spot Issues with Legal Implications

No matter what TFJA project a house of worship decides to implement, the success of this initiative depends on the ability of the religious staff to identify the need for legal assistance and make referrals to attorneys. Religious leaders and staff will learn how to spot legal problems that affect the lives of their congregants. The religious leaders can then direct the congregant to the TFJA program that the house of worship has implemented, whether it be a faith-based legal clinic, a mediation program, the TFJA Referral Model, or another program. In the Referral Model, the Lead Coordinator for each house of worship will refer or connect the congregant with an attorney who may be able to have a positive impact on the congregant's legal issue.

The help that a lawyer can provide in a life crisis may not be immediately obvious. To understand how legal help might impact the day-to-day life of individuals in a house of worship, consider some common "personal" issues that impact people but that also have legal implications. Many people experience family conflict, financial struggle, and disagreements with landlords. Often, these issues are the byproducts of underlying legal issues.

For instance, an ex-wife may worry about her abusive ex-husband breaking into her home at night and physically assaulting her. A congregant who worries about this type of family conflict may need assistance in obtaining an Order of Protection. A father who is fired for no reason from his job and struggles to provide for his family may benefit from applying for unemployment benefits, stopping debt collectors from harassing the family, protecting income and property if the family is sued, or even filing for bankruptcy. A couple whose landlord changes the locks on their apartment door for being a day late on their rental payment would benefit from an attorney's assistance in addressing an unlawful eviction. An elderly woman whose adult son suffers from cerebral palsy and lacks the ability to consent to medical treatment might find peace of mind in getting appointed as his conservator so that she can take care of his personal matters.

## Basic Structure of the TFJA Faith-Based Referral Model



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**Implementation Timeline:**  
**for Religious Centers with an Overarching Conference or**  
**Organization**

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# **Implementation Time Line for Religious Centers with an Overarching Conference or Organization**

## **Introduction**

This Implementation Time Line was used in starting the Faith-Based Referral Model in Nashville within the United Methodist Church (“UMC”). Please note that the time line and successive documents may need to be modified slightly depending on your house of worship, region, participants, type of faith-legal project that will suit the house of worship, etc. **This is strictly for example purposes.**

## **Initial Presentation Meeting**

Members of the ATJC Faith-Based Committee and Justice Connie Clark contacted the District Superintendent for the Nashville District of the UMC’s Tennessee Conference. The Faith-Based Committee (“Committee”) presented the District Superintendant with an outline of the project and answered questions.

## **Meeting for Conference Cabinet Approval**

The District Superintendent asked the Conference Cabinet for approval for implementing the Faith-Based Initiative. Members of the ATJC Faith-Based Committee attended the Cabinet meeting as well. ATJC requested the Conference Cabinet to consider a program which utilized UMC’s present social justice programs, house of worship initiatives, and incorporated pro bono lawyers into those programs (collectively, the “Initiative”). Presentations included information on how pro bono attorneys may be able to participate in UMC’s programs such as the Flood Recovery Network and the Disaster Response and Recovery Program; the Initiative’s structure; roles of program participants; information on how UMC could set up legal clinics and incorporate other initiatives; and information regarding available resources. The Conference Cabinet approved the Initiative.

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## **Dissemination of Project Information**

After the Conference Cabinet approved the project, the District Superintendent contacted the UMC Bishops and provided them information on the project, introduced them to the Project Coordinator, and advised them of their roles and responsibilities in the project. Responsibilities included recruiting two to three attorneys from the house of worship to act as the primary contacts for the house of worship.

## **Training to Spot Legal Issues**

The ATJC, with the help of Lucinda Smith from the Legal Aid Society of Middle Tennessee and the Cumberlands, held a training session for the District Superintendent, UMC Bishops, and the recruited volunteers. Those in attendance received instructions on the project, training on how to spot issues that may involve legal issues, and information on existing legal and social services resources in middle Tennessee.

## **Connection to Local Pastors**

Following the training event, the Project Coordinator contacted each pastor who usually had already learned of the project through the District Superintendent and the Bishops. The purpose of the connection was to ask the pastors to recruit their local lawyers and to provide information on the most frequent issues involving legal implications that the pastors encounter in their congregation.

## **Training for Attorneys**

The ATJC held a training session for attorneys that were recruited members of the house of worship or recruited by the congregation outside the congregation. The training presented methods of addressing concerns of the congregants, legal and social services resources that are available to address these concerns, and contact information for the ATJC when difficulties arise in connecting congregants to attorneys who can help.

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**Implementation Timeline:**  
**for Religious Centers without an Overarching Conference or**  
**Organization**

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## **Implementation Time Line for Religious Centers without an Overarching Conference or Organization**

### **Introduction**

This Implementation Time Line may be used in starting the Faith-Based Referral Model in houses of worship without an overarching conference or organization such as the UMC. Please note that the time line and successive documents may need to be modified slightly depending on your house of worship, region, participants, type of faith-legal project that will suit the house of worship, etc. **This is strictly for example purposes.**

### **Initial Presentation Meeting**

Members of the ATJC Faith-Based Committee and the ATJC liaison will contact the religious leader for the house of worship. The ATJC Faith-Based Initiatives Committee (“Committee”) will present to the religious leader an outline of the project and answer questions.

### **Meeting for Approval within the House of Worship**

The religious leader will consider the pros and cons of implementing the Faith-Based Referral Model, a community legal education program, a faith-based mediation program, a faith-based legal clinic, or some other faith-legal project. The religious leader will contact the Committee with any questions that may arise. If applicable and if appropriate, the religious leader will discuss implementation of the faith-legal project with those such as elders, other religious leaders in the house of worship, heads of families, etc. If applicable and if appropriate, the Committee will make presentations to those who will make the decision to implement the faith-legal project on topics that will help them make an informed decision. Such topics may include the initiative’s overlap with the house of worship’s social justice programs, religious initiatives, and attorneys who are already members of the religious group. Additionally, there may be a presentation on the initiative’s structure, roles of program participants, and available resources to program participants.

The house of worship as a whole or the religious leader either approves of implementation of the faith-legal project or does not approve it. The Committee should be notified of the decision.

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## **Dissemination of Project Information**

If the house of worship approves the faith-legal project, the higher-level religious leader will contact lower-level religious leaders and provide them information on the initiative, introduce them to the Project Coordinator, and advise them of their roles and responsibilities in the project. Responsibilities included recruiting two to three attorneys from the house of worship to act as the primary contacts for the house of worship. If there are no such divisions of religious leaders, then this step is irrelevant.

## **Training to Spot Legal Issues**

The ATJC, usually with the help of local Legal Aid Society attorneys, will hold a training session for all religious leaders within the house of worship as well as for recruited volunteers. Those in attendance will receive instructions on the Initiative, training on how to spot issues that may involve legal issues, and information on existing legal and social services resources in the local area.

## **Connection with Congregation Attorneys**

Following the training event, the religious leader(s) and the Project Coordinator will contact attorneys within the congregation to see if the congregation attorneys are interested in participating in the program. Attorney participation in the program includes providing information on the most frequent issues involving legal implications that the pastors encounter in their congregation, directing those with legal issues to local resources, or referring the congregant to another attorney for aid.

## **Training for Attorneys**

The ATJC will hold a training session for attorneys that are recruited members of the house of worship or recruited from outside the congregation. The training will present methods of addressing concerns of the congregants, legal and social services resources that are available to address these concerns, and contact information for the ATJC when difficulties arise in connecting congregants to attorneys who can help.

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## **Roles of Program Participants**

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## **Roles of Program Participants**

### **Role of the Highest-Religious Leader (for Houses of Worship with an Overarching Organization)**

Ideally, the Highest-Level Religious Leader announces and promotes the Faith-Based Referral Model in his or her region by:

- Finding at least one person (preferably two to three) in each region who will serve as Lead Coordinator (this person does not need to be an attorney and will lead and connect with attorneys who will assist congregations in the event that a religious leader is unable to find an attorney),
- Requesting each religious leader to ask one or more attorneys in their congregation (“Congregation Attorney”) to communicate with the Lead Coordinator and serve as a resource in the event that a religious leader needs to refer a congregant for legal assistance,
- Asking the Congregation Attorney to assume the responsibility for finding another attorney if the Congregation Attorney is unable to help,
- Attending any organizational meetings with the area leadership attorney team in which the Initiative is discussed and promoted,
- Attending a training about legal problem spotting so that staff can make appropriate referrals to attorneys,
- Attending any annual meetings with the liaison Justice and the area’s leadership attorney team and encouraging lower-level religious leaders and others from each region to attend,
- Continuing to promote the Initiative in the region throughout the year,
- Periodically reporting in any organizational meetings regarding progress and concerns so that the Initiative can more efficiently meet the needs of the congregations.

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## **Role of the Lead Coordinator (for All Types of Houses of Worship)**

Ideally, the Lead Coordinator (who does not need to be an attorney) contributes to the Initiative in his or her region by:

- Coordinating the attorneys in the congregation (and in the religious organization, if there is one),
- Sending the Lead Coordinator Information Form to the ATJC's Pro Bono Coordinator upon accepting the role as Lead Coordinator,
- Maintaining a list of attorneys recruited by religious leaders to participate in the Network, including contact information and practice areas for each attorney,
- Connecting houses of worship, which do not have an identified attorney within the congregation and wish to participate as congregants have legal issues, with volunteer attorneys,
- Collecting and disseminating to attorneys participating in the network helpful information such as a list of attorneys with contact information and practice areas, and lists of alternate resources to address congregants' concerns,
- Contacting participating attorneys quarterly to determine number of persons assisted, type of case and action taken (and providing this information to the District Superintendent and ATJC's Pro Bono Coordinator),
- Determining generally the legal topics implicated in the congregant's concerns (such as housing or family trouble), and
- Providing to congregants with legal issues the contact information for a volunteer attorney willing to assist that congregant.

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## **Role of Religious Leaders (for All Types of Houses of Worship)**

Ideally, local religious leaders will contribute to the Initiative in their region by:

- Recruiting attorneys from their congregation and giving their contact information to the Lead Coordinator (and to the Higher-Level Religious Leaders, if they are any),
- Identifying congregants' "personal" issues that may be remedied with legal assistance,
- Contacting the Lead Coordinator once the religious leader recognizes that a legal issue may exist,
- Conveying the referral to the Lead Coordinator, and
- Giving to the congregant the Lead Coordinator's contact information to facilitate further communication.

## **Role of Congregation Attorneys**

Ideally, Congregation Attorneys will contribute to the Initiative in their region by:

- Communicating with the Lead Coordinator when a congregant has presented a legal issue,
- Answering communication from the congregant,
- Taking the congregant's case when possible,
- Referring congregants with legal issues to other attorneys if the Congregation Attorney cannot take the case,
- Connecting congregants to alternative resources such as self-help sites or social services when appropriate,
- Responding to the Lead Coordinator's quarterly requests for information, and
- Sending the Malpractice Insurance Form for Volunteer Attorneys to the ATJC's Pro Bono Coordinator after every case.

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## **Example Emails to Program Participants**

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## **Example Initiative Emails to Program Participants**

**To:** Nashville Area Religious Leaders  
**From:** Pro Bono Coordinator, Access to Justice Commission

Dear Nashville Religious Leaders,

I am the Pro Bono Coordinator for the Access to Justice Commission (“ATJC”), and we will be working together to launch the Faith-Based Initiative within your house of worship.

I understand that Justice Cornelia Clark, Attorney Margaret Behm, and Superintendent John Collett have briefed you about the new UMC initiative. I am happy to announce that we are ready to move forward and will launch the program on February 4, 2013. As a reminder, the initiative seeks to recruit coordinators and volunteer lawyers within local congregations who will commit to addressing legal needs that come to the attention of the religious leaders. When a religious leader becomes aware that a member of the house of worship or community needs legal assistance, he or she refers that person to the Lead Coordinator. The Lead Coordinator will reach out to volunteer attorneys who will take the case, connect the person with another attorney who will take the case, or connect the person to alternative resources to address the legal issue. Additionally, the Lead Coordinator will partner those congregations who do not have a lawyer in their congregation with other houses of worship in the area who do have the necessary resources.

Now that we are ready to get the initiative started, we ask that each house of worship identify attorneys in their congregations who are willing to take pro bono cases or make referrals to other attorneys and resources. If there are no attorneys in your congregation, we would like to know that as well. When a legal need arises, the Lead Coordinator and volunteer attorneys, instead of religious staff, will assume the role of referring congregants to legal resources. As you approach your local attorneys to ask them to join the Initiative, you may want to stress to them that we are not asking them to take on each individual case but to assume the responsibility of connecting that person to the needed legal resource. The Lead Coordinator and ATJC Pro Bono Coordinator will ensure that each volunteer attorney has access to those resources. Additionally, the ATJC’s Pro Bono Coordinator is available for additional assistance in connecting congregants with legal issues to attorneys and alternative resources in the event of difficulties.

In order to have the Initiative operational by February 4, 2013, I ask that you compile a list of volunteer attorneys within your congregation by January 7, 2013. As soon as you have compiled that list, please send that list to the Lead Coordinator for further communication.

I am very excited to work with all of you and am very thankful for your dedication to this initiative. If you or any of your prospective lawyers have any questions about the initiative, please do not hesitate to contact me.

Respectfully,

Pro Bono Coordinator

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**To: Nashville Area Religious Leaders in High-Need Houses of Worship**  
**From: Pro Bono Coordinator, Access to Justice Commission**

Dear Nashville Pastors,

I am the Pro Bono Coordinator for the Access to Justice Commission (“ATJC”), and we will be working together to launch the Faith-Based Initiative within your house of worship.

I understand that Justice Cornelia Clark, Attorney Margaret Behm, and Superintendent John Collett have briefed you about the new UMC initiative. I am happy to announce that we are ready to move forward and will launch the program on February 4, 2013. As a reminder, the initiative seeks to recruit coordinators and volunteer lawyers within local congregations who will commit to addressing legal needs that come to the attention of the religious leaders. When a religious leader becomes aware that a member of the house of worship or community needs legal assistance, he or she refers that person to the Lead Coordinator. The Lead Coordinator will reach out to volunteer attorneys who will take the case, connect the person with another attorney who will take the case, or connect the person to alternative resources to address the legal issue. Additionally, the Lead Coordinator will partner those congregations who do not have a lawyer in their congregation with other houses of worship in the area who do have the necessary resources.

Now that we are ready to get the initiative started, we ask that each house of worship identify attorneys in their congregations who are willing to take pro bono cases or make referrals to other attorneys and resources. If there are no attorneys in your congregation, we would like to know that as well. When a legal need arises, the Lead Coordinator and volunteer attorneys, instead of religious staff, will assume the role of referring congregants to legal resources. As you approach your local attorneys to ask them to join the Initiative, you may want to stress to them that we are not asking them to take on each individual case but instead to assume the responsibility of connecting that person to the needed legal resource. The Lead Coordinator and ATJC Pro Bono Coordinator will ensure that each volunteer attorney has access to those resources. Additionally, the ATJC’s Pro Bono Coordinator is available for additional assistance in connecting congregants with legal issues to attorneys and alternative resources in the event of difficulties.

In order to have the Initiative operational by February 4, 2013, I ask that you compile a list of volunteer attorneys within your congregation by January 7, 2013. As soon as you have compiled that list, please send that list to the Lead Coordinator for further communication.

I am very excited to work with all of you and am very thankful for your dedication to this initiative. If you or any of your prospective lawyers have any questions about the initiative, please do not hesitate to contact me.

Respectfully,

Pro Bono Coordinator

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**To: Nashville Area Religious Leaders with Multiple Congregation Attorneys**  
**From: Pro Bono Coordinator, Access to Justice Commission**

Dear Nashville Pastors,

I am the Pro Bono Coordinator for the Access to Justice Commission (“ATJC”), and we will be working together to launch the Faith-Based Initiative within your house of worship.

I understand that Justice Cornelia Clark, Attorney Margaret Behm, and Superintendent John Collett have briefed you about the new UMC initiative. I am happy to announce that we are ready to move forward and will launch the program on February 4, 2013. As a reminder, the initiative seeks to recruit coordinators and volunteer lawyers within local congregations who will commit to addressing legal needs that come to the attention of the religious leaders. When a religious leader becomes aware that a member of the house of worship or community needs legal assistance, he or she refers that person to the Lead Coordinator. The Lead Coordinator will reach out to volunteer attorneys who will take the case, connect the person with another attorney who will take the case, or connect the person to alternative resources to address the legal issue. Additionally, the Lead Coordinator will partner those congregations who do not have a lawyer in their congregation with other houses of worship in the area who do have the necessary resources.

Now that we are ready to get the initiative started, we ask that each house of worship identify attorneys in their congregations who are willing to take pro bono cases or make referrals to other attorneys and resources. If there are no attorneys in your congregation, we would like to know that as well. When a legal need arises, the Lead Coordinator and volunteer attorneys, instead of religious staff, will assume the role of referring congregants to legal resources. As you approach your local attorneys to ask them to join the Initiative, you may want to stress to them that we are not asking them to take on each individual case but instead to assume the responsibility of connecting that person to the needed legal resource. The Lead Coordinator and ATJC Pro Bono Coordinator will ensure that each volunteer attorney has access to those resources. Additionally, the ATJC’s Pro Bono Coordinator is available for additional assistance in connecting congregants with legal issues to attorneys and alternative resources in the event of difficulties.

Additionally, your house of worship may have a greater number of attorneys than some of the other congregations in your area. Because of your greater resources, I want to challenge you to recruit as many of your attorneys who are willing to participate. We hope to use attorneys from houses of worship like yours to help fill the gap for houses of worship that do not have as many legal resources. This could be a great opportunity for attorneys in your congregation who have the desire to serve high-need areas. We will ask these attorneys to “adopt” another local congregation to help religious staff address legal issues that may arise.

In order to have the Initiative operational by February 4, 2013, I ask that you compile a list of volunteer attorneys within your congregation by January 7, 2013. As soon as you have compiled that list, please send that list to the Lead Coordinator for further communication.

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I am very excited to work with all of you and am very thankful for your dedication to this initiative. If you or any of your prospective lawyers have any questions about the initiative, please do not hesitate to contact me.

Respectfully,

Pro Bono Coordinator

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**To: Nashville Area Attorneys within the Congregation**  
**From: Pro Bono Coordinator, Access to Justice Commission**

Dear Nashville Attorneys,

I am the Pro Bono Coordinator for the Access to Justice Commission (“ATJC”), and we will be working together to launch the Faith-Based Initiative within your house of worship.

I understand that you have been approached by your local religious leader and that you have agreed to serve as a volunteer attorney for your house of worship. We are thrilled that you have decided to participate in the initiative. Now that we have compiled a network of volunteer attorneys, we plan to launch the initiative on February 4, 2013.

As a reminder, the initiative seeks to recruit coordinators and volunteer lawyers within local congregations who will commit to addressing legal needs that come to the attention of the local religious staff. When a religious leader becomes aware that a member of the house of worship or community needs legal assistance, the religious leader refers that person to the Lead Coordinator. The Lead Coordinator will reach out to volunteer attorneys who will take the case, connect the person with another attorney who will take the case, or connect the person to alternative resources to address the legal issue. Additionally, the Lead Coordinator will partner those congregations who do not have a lawyer in their congregation with other houses of worship in the area who do have the necessary resources.

To ease any trepidation you may have about the number of cases you are volunteering to take, let me reassure you that we are not asking you to take on every individual case. Instead, you will assume the responsibility of connecting that person to the needed legal resource or taking the case yourself if that is feasible. The Lead Coordinator and the ATJC’s Pro Bono Coordinator will ensure that you have access to assistance when difficulties arise as well as alternative legal resources, such as a directory of Legal Aid clinics, Social Services, and pro bono projects that attorneys participate in statewide.

In order to have the Initiative operational by February 4, 2013, I ask that you attend a dinner on January 31<sup>st</sup>, 2013 at 6:00 pm at [location] where we will brief you on the structure and details of the initiative, resources manuals available to you, and Tennessee’s limited scope representation rules. I am excited to announce that Tennessee Supreme Court Justice Cornelia Clark will attend the dinner and will speak to you about how your commitment to serve your congregation fits into the greater Access to Justice Strategic Plan that has been adopted by the Tennessee Supreme Court. Please RSVP for this event by January 7, 2013.

I am very excited to work with all of you and am very thankful for your dedication to this initiative. If you or any of your prospective lawyers have any questions about the initiative, please do not hesitate to contact me.

Respectfully,  
Pro Bono Coordinator

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## **Example Training Invitation**

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## **Example Training Invitation**

**You are invited!**

**January 31, 2013**

**6:00 p.m.**

**Local House of Worship**

**2000 Main St., City, TN 37212**

Please join us for a fellowship dinner and CLE training to kick start the Legal Initiative with the Tennessee Faith and Justice Alliance. The TFJA is a project of the Tennessee Supreme Court's Access to Justice Commission.

### **Featuring:**

- **Tennessee Supreme Court Justice Connie Clark**  
Providing a history of the UMC Initiative
- **Limited Scope Representation Training**  
Examination of limited scope representation rules, and ethical issues involved in limiting your representation; Tips and strategies for serving pro bono clients while maintaining compliance with PR rules
- **An Overview of the Tennessee Faith & Justice Alliance**

**The Tennessee Faith and Justice Alliance** is composed of lawyers within local congregations who have committed to work with the pro bono legal issues that come to the attention of local clergy. From now on, when a legal need arises within the house of worship, it will no longer be the job of the house of worship staff to find the appropriate resources to meet that need, but TFJA attorneys will find the right resource to meet the parishioner's needs.

**\*\*\*1.25 free hours of CLE Credit\*\*\***

**By invitation only**

**Dinner will be provided**

**Please RSVP to (615) 741-2687**

Please be aware that we update this Implementation Manual to reflect new developments in the Tennessee Faith and Justice Alliance. Please make sure that you are using the most updated version of the Implementation Manual, available at [www.justiceforalltn.org](http://www.justiceforalltn.org) in the Faith-Based Initiatives section.

## **Example Training Agendas**

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## **Example Training Agendas**

**Tennessee Access to Justice Initiative with  
The [Local House of Worship]  
Initiative Training for Religious Staff and Lead Coordinator  
May 9, 2012  
1:30 pm to 3:30 pm**

- A. **Introduction to Access to Justice in Tennessee**.....(10 min)  
Margaret Behm
- B. **Description of Project**.....(10 min)  
John Collett
- C. **Responsibility of Lead Coordinators: Coordinate Lawyers Network**.....(15 min)  
Margaret Behm
- D. **Responsibility of Religious Leaders: Identifying and Connecting**.....(30 min)  
Lucinda Smith
- E. **Outside Resources (Legal, Online, Social Services, etc.)**.....(20 min)  
Anne-Louise Wirthlin
- F. **Outreach**.....(15 min)  
Lucinda Smith  
Clinics in community houses of worship  
Participation in established activities: Justice For Our Neighbors (JFON)

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**Tennessee Access to Justice Initiative with  
The [Local House of Worship]  
Initiative Training for Religious Staff and Lead Coordinator  
January 31, 2013  
1:30 pm to 3:30 pm**

- E. **Check-In and Refreshments**.....(15 min)  
Margaret Behm
- F. **Welcome and Prayer**.....(15 min)  
Palmer Williams and John Collett
- G. **Introduction and History of the ATJC**.....(20 min)  
Margaret Behm and Justice Clark
- H. **Overview of Initiative**.....(15 min)  
Palmer Williams
- G. **Limited Scope Representation**.....(30 min)  
David Esquivel
- H. **Questions**.....(5 min)

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## **Example Training Handouts**

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## **The [House of Worship]’s Initiative Training Handout**

### **The Problem**

More than 35 million Americans live below the poverty level, and another 10 million have incomes that are less than 25% higher than that level. At least 40% of these Americans have a legal problem of some kind each year. Across Tennessee, 70% of low-income residents experience some type of legal problem each year. Approximately one million Tennesseans need legal counsel and cannot afford it. But with only 80 or so Legal Aid attorneys, most of those low income individuals have limited or no access to legal counsel. They feel shut out from the legal system. They do not turn to the system for solutions because they believe the system will not help them.

### **Tennessee Access to Justice Commission**

The Access to Justice Commission was created by the Supreme Court to develop a strategic plan for improving access to justice in Tennessee that includes education of the public, identification of priorities to meet the need of improved access to justice, and recommendations to the Supreme Court of projects and programs the Commission determines to be necessary and appropriate for enhancing access to justice in Tennessee. The first strategic plan was unveiled in 2010, and the Commission presented its second strategic plan in the spring of 2012. One aspect of the strategic plan is to incorporate the faith-based communities into the initiatives of the Access to Justice Commission.

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## Initiative with the [House of Worship]

- **Structure:**

This Initiative is composed of attorneys within the local congregation and within the community who have committed to pro bono work involving legal issues that come to the attention of the local religious leader. When a member of the congregation brings an issue with legal implications to the attention of the religious leader, it is no longer the religious staff's duty to find resources to address that need. Instead, the house of worship will refer the matter to a Lead Coordinator. This Lead Coordinator, who does not necessarily have to be an attorney, will refer the case to an attorney within the congregation itself or within the overarching religious organization. That attorney will then either take the case or refer it to an attorney who will or the appropriate resources.



- **Resources at your disposal:**

- Other lawyers within the religious community who specialize in that area of the law
- Legal Aid Society
- Resources within the TFJA Manual

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- **Malpractice Insurance:**

The ATJ Commission has partnered with the Tennessee Alliance for Legal Services to provide malpractice insurance for participating attorneys. Participating attorneys must report information to the Lead Coordinator who will in turn report to the ATJC's Pro Bono Coordinator at the Administrative Office of the Courts.

Participating attorneys must report the following information.

- Attorney's name
- Attorney's BPR number
- Type of case
- Number of hours spent on the case
- The referring entity
- The action taken on the case

There are forms for participating attorneys to use when reporting this information (see page 38). The Lead Coordinator will provide the forms.

Please note that if the attorney believes the case is proper for Legal Aid of East Tennessee to handle, the attorney can refer the case to LAET and LAET can then assign the case to the attorney. In this case, the attorney will be covered under LAET's malpractice insurance.

Please note that if the attorney is not taking the case on or providing any legal advice, but referring the case to a local legal services or social services agency, then no coverage is needed under the Rules of Professional Responsibility.

- **Pro Bono Coordinator's Contact Information:**

[ATJInfo@tncourts.gov](mailto:ATJInfo@tncourts.gov)

Office: 615-741-2687

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## **State Attorney Participation**

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## **State Attorney Participation**

State attorneys should be able to participate in the UMC project, as we partner with the legal service provider, TALS, to provide the attorneys with the required malpractice insurance. Depending on the particular agency, state attorneys may have to limit their participation to serving as a resource for legal referrals and basic legal information, rather than taking on full representation. State attorneys should contact the Access to Justice Commission regarding barriers to participation.

- Judicial Branch Attorneys
  - The pro bono activities of Judicial Branch attorneys are governed by Tennessee Supreme Court Rule 5 and Tenn. Code Ann. § 16-3-804.
  - Although these attorneys are precluded from representing a client in court, the rule and statute makes clear that these attorneys are still able to participate in pro bono legal activities through an organized legal services provider that provides malpractice insurance for that attorney.
- Attorney General's Office Attorneys
  - The pro bono activities of attorneys in the Attorney General's Office are governed by internal policies as well as Tenn. Code Ann. § 8-6-107.
  - Similar to judicial branch attorneys, these attorneys may participate in pro bono activities as long as they do so through an organized legal services provider that provides malpractice insurance for that attorney. In addition, the attorneys in this office also need to seek approval from their supervising attorney to participate.
- Executive Branch Attorneys
  - The pro bono activities of attorneys of executive branch agencies are governed by the internal policies of each agency as well as Tenn. Code Ann. § 23-3-102.

The statute makes clear that these attorneys are able to participate in pro bono legal activities through an organized legal services provider that provides malpractice insurance for that attorney, barring any restriction from the particular agency of which they are employed.

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## **Lead Coordinator Form**

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## **The [House of Worship] Initiative**

### **Lead Coordinator Information Form**

#### **Instructions**

Please fill out all of the contact information below. This information will only be shared within the Tennessee Faith & Justice Alliance (“TFJA”). Please submit it by email, fax, or mail to:

Pro Bono Coordinator  
Tennessee Supreme Court  
Administrative Office of the Courts  
511 Union Street, Suite 600  
Nashville, TN 37219  
(615) 741-2687  
(615) 741-6285 (fax)  
[ATJInfo@tncourts.gov](mailto:ATJInfo@tncourts.gov)

#### **Lead Coordinator Information**

\_\_\_\_\_  
TFJA Lead Coordinator’s Name

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Faith (Buddhist, Christian, Jewish, etc.)

(\_\_\_\_) \_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Mailing Address

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## **Attorney Participation Form**

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**The [House of Worship] Initiative**

**Attorney Participant Information Form**

**Return to Lead Coordinator**

**Please check all that apply:**

<input type="checkbox"/>	<b>I am committed to being placed as the local lawyer at my home house of worship, _____.</b>
<input type="checkbox"/>	<b>I am committed to being placed as the local lawyer of another house of worship in need of an attorney.</b>
<input type="checkbox"/>	<b>I am an attorney with the state and would like to participate, but am seeking approval from my office.</b>
<input type="checkbox"/>	<b>I am unable to participate at this time.</b>

**Name:** \_\_\_\_\_ **Home House of Worship:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Mobile Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Firm/Agency:** \_\_\_\_\_

**Type(s) of law you practice/have practiced:** \_\_\_\_\_

**Do you know of any other attorneys in your congregation who may be interested in participating?** (Please list names & contact information)

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**Other Comments:**

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## **Malpractice Insurance and Measurement Form**

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## Malpractice Insurance and Measurement Form for Tennessee Faith and Justice Alliance Volunteers

### Instructions and Coverage Information

Tennessee Faith and Justice Alliance volunteers should complete this form and submit it to the Pro Bono Coordinator of the Tennessee Supreme Court Access to Justice Commission by fax at 615-741-6285 or by email to [ATJinfo@tncourts.gov](mailto:ATJinfo@tncourts.gov) at the conclusion of each legal matter in order to receive full malpractice coverage. Please fill out this form using your best judgment.

### Information Required

- |   |   |   |  |   |
|---|---|---|--|---|
| <p>1. Volunteer Attorney Name: _____</p> <p>3. Source of Referral/House of Worship: _____<br/> <small>Clark United Methodist Church, Lipscomb, Nashville Area Rescue Ministry</small></p> <p>5. Do you need full malpractice coverage for your work on this case? _____</p> <p>7. Date (or range of dates) you provided assistance: _____</p> <p>9. Please check which area of law the case involved. Subcategories in parentheses are not exclusive.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"> <input type="checkbox"/> Bankruptcy<br/> <input type="checkbox"/> Criminal<br/> <input type="checkbox"/> Contract (breach, dispute, etc.)<br/> <input type="checkbox"/> Debt: Garnishment<br/> <input type="checkbox"/> Debt: Collection<br/> <input type="checkbox"/> Drivers License<br/> <input type="checkbox"/> Elder: Nursing Home<br/> <input type="checkbox"/> Elder: Wills, Probate, Estate<br/> <input type="checkbox"/> Employment: Discrimination<br/> <input type="checkbox"/> Employment: Wages<br/> <input type="checkbox"/> Employment: Workers Comp. </td> <td style="width: 33%;"> <input type="checkbox"/> Expungement<br/> <input type="checkbox"/> Family: Adoption<br/> <input type="checkbox"/> Family: Child Custody or Support<br/> <input type="checkbox"/> Family: Domestic Violence<br/> <input type="checkbox"/> Family: Divorce or Post-Divorce<br/> <input type="checkbox"/> Guardianship: Conservatorship/POA<br/> <input type="checkbox"/> Health (Insurance, ACA, TennCare, Medicare)<br/> <input type="checkbox"/> Immigration<br/> <input type="checkbox"/> Landlord/Tenant<br/> <input type="checkbox"/> Public Benefits (Social Security, Food Stamps, unemployment)<br/> <input type="checkbox"/> Real Estate: Deed </td> <td style="width: 33%;"> <input type="checkbox"/> Real Estate: Property Dispute<br/> <input type="checkbox"/> Real Estate: Insurance<br/> <input type="checkbox"/> Tort (Med. Mal., Injury)<br/> <input type="checkbox"/> Veterans' Issues<br/> <input type="checkbox"/> Other: _____<br/>           _____<br/>           _____ </td> </tr> </table> | <input type="checkbox"/> Bankruptcy<br><input type="checkbox"/> Criminal<br><input type="checkbox"/> Contract (breach, dispute, etc.)<br><input type="checkbox"/> Debt: Garnishment<br><input type="checkbox"/> Debt: Collection<br><input type="checkbox"/> Drivers License<br><input type="checkbox"/> Elder: Nursing Home<br><input type="checkbox"/> Elder: Wills, Probate, Estate<br><input type="checkbox"/> Employment: Discrimination<br><input type="checkbox"/> Employment: Wages<br><input type="checkbox"/> Employment: Workers Comp.   | <input type="checkbox"/> Expungement<br><input type="checkbox"/> Family: Adoption<br><input type="checkbox"/> Family: Child Custody or Support<br><input type="checkbox"/> Family: Domestic Violence<br><input type="checkbox"/> Family: Divorce or Post-Divorce<br><input type="checkbox"/> Guardianship: Conservatorship/POA<br><input type="checkbox"/> Health (Insurance, ACA, TennCare, Medicare)<br><input type="checkbox"/> Immigration<br><input type="checkbox"/> Landlord/Tenant<br><input type="checkbox"/> Public Benefits (Social Security, Food Stamps, unemployment)<br><input type="checkbox"/> Real Estate: Deed | <input type="checkbox"/> Real Estate: Property Dispute<br><input type="checkbox"/> Real Estate: Insurance<br><input type="checkbox"/> Tort (Med. Mal., Injury)<br><input type="checkbox"/> Veterans' Issues<br><input type="checkbox"/> Other: _____<br>_____<br>_____ | <p>2. BPR Number: _____</p> <p>4. Project: _____<br/> <small>Ex: Referral Model from religious leader, Clinic, etc.</small></p> <p>6. Hours Spent on Case: _____</p> <p>8. Email: _____</p> |
| <input type="checkbox"/> Bankruptcy<br><input type="checkbox"/> Criminal<br><input type="checkbox"/> Contract (breach, dispute, etc.)<br><input type="checkbox"/> Debt: Garnishment<br><input type="checkbox"/> Debt: Collection<br><input type="checkbox"/> Drivers License<br><input type="checkbox"/> Elder: Nursing Home<br><input type="checkbox"/> Elder: Wills, Probate, Estate<br><input type="checkbox"/> Employment: Discrimination<br><input type="checkbox"/> Employment: Wages<br><input type="checkbox"/> Employment: Workers Comp.   | <input type="checkbox"/> Expungement<br><input type="checkbox"/> Family: Adoption<br><input type="checkbox"/> Family: Child Custody or Support<br><input type="checkbox"/> Family: Domestic Violence<br><input type="checkbox"/> Family: Divorce or Post-Divorce<br><input type="checkbox"/> Guardianship: Conservatorship/POA<br><input type="checkbox"/> Health (Insurance, ACA, TennCare, Medicare)<br><input type="checkbox"/> Immigration<br><input type="checkbox"/> Landlord/Tenant<br><input type="checkbox"/> Public Benefits (Social Security, Food Stamps, unemployment)<br><input type="checkbox"/> Real Estate: Deed | <input type="checkbox"/> Real Estate: Property Dispute<br><input type="checkbox"/> Real Estate: Insurance<br><input type="checkbox"/> Tort (Med. Mal., Injury)<br><input type="checkbox"/> Veterans' Issues<br><input type="checkbox"/> Other: _____<br>_____<br>_____  |  |   |

10. Is the case **resolved** (i.e. the client no longer has a legal need or the client does not need an attorney), **partially resolved** (i.e. you took on full or limited representation, you took part of the case, or referred the client to another resource), or **not resolved**? Please explain. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

11. Did you refer the client to other resources (such as Social Services, a Legal Clinic, another attorney, the Legal Aid Society, etc.)? Please explain. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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## **Client Satisfaction Survey**

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## The Tennessee Faith and Justice Alliance Client Satisfaction Survey

### Instructions and Notification

**We appreciate your input. Please fill out this form and send it to the Access to Justice Commission as indicated at the bottom of the page. Please note that these results will NOT be shared with your religious leader, house of worship, Lead Coordinator, or the volunteer attorney who helped you. We collect this data only for the purpose of measuring the success of this TFJA program. If you have questions, please contact the Pro Bono Coordinator of the Supreme Court Access to Justice Commission at (615) 741-2687.**

Your Name: \_\_\_\_\_

Your House of Worship: \_\_\_\_\_

City and County: \_\_\_\_\_

Very generally, what kind of legal problem made you look for help? (Bankruptcy, Divorce, Employment, etc.)

Where or how did you get help from a volunteer attorney? (please check)

\_\_\_\_\_ At a legal clinic (a one-time meeting with a free lawyer)

\_\_\_\_\_ Someone from my faith group put me in touch with a volunteer attorney

\_\_\_\_\_ Another way (please explain): \_\_\_\_\_

### For these questions, circle your response to tell us what the volunteer lawyer did for you.

1. Did the lawyer take your entire case from start to finish? If you circle yes, skip question 2 and 3. (please circle)

Yes                      No                      Other (please explain): \_\_\_\_\_

2. If you answered no for question 1, did the lawyer help you with part of your issue? Ex: the lawyer didn't help me with my whole divorce but represented me at mediation. (please circle)

Yes                      No                      Other (please explain): \_\_\_\_\_

3. If you circled no for question 1 and 2, did the lawyer meet with you for one-time advice or information?

Yes                      No                      Other (please explain): \_\_\_\_\_

4. Did the Lead Coordinator or volunteer lawyer connect you with additional resources?

Yes                      No                      Other (please explain): \_\_\_\_\_

### For these questions, rate the quality of help the volunteer lawyer gave you.

	Excellent	Very Good	Good	Just OK	Poor
How helpful and understanding was your lawyer?	5	4	3	2	1
How clearly did your lawyer explain things?	5	4	3	2	1
Did you get answers to all of your questions?	5	4	3	2	1
How do you feel about the way you were treated?	5	4	3	2	1

Do you have any additional comments? \_\_\_\_\_

### Thank you for completing this survey!

**Please return it to the Access to Justice Commission by fax at 615-741-6285 or by email to [ATJinfo@tncourts.gov](mailto:ATJinfo@tncourts.gov).**

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## **Limited Scope Representation Rules**

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## **Limited Scope Representation Rules**

### **RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

#### **Rule 5.02: Service — How Made.**

Whenever under these rules service is required or permitted to be made on a party represented by an attorney, the service shall be made upon the attorney unless service upon the party is ordered by the court. Service shall be made pursuant to the methods set forth in (1) or (2). If an attorney has filed a notice of limited scope representation or a notice of limited appearance for an otherwise self-represented person, pursuant to Rule 11.01(b), service shall be made on the self-represented person and on the attorney until such time as a notice of completion of limited scope representation has been filed. After notice of completion of limited scope representation has been filed, service upon the attorney previously providing limited scope representation shall no longer be necessary.

(1) Service upon the attorney or upon a party shall be made by delivering to him or her a copy of the document to be served, or by mailing it to such person's last known address, or if no address is known, by leaving the copy with the clerk of the court. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at such person's office with a clerk or other person in charge thereof; or, if there is none in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing. Items which may be filed by facsimile transmission pursuant to Rule 5A may be served by facsimile transmission.

(2) (a) Service upon any attorney may also be made by sending him or her the document in Adobe PDF format to the attorney's email address, which shall be promptly furnished on request. The sender shall include language in the subject line designed to alert the recipient that a document is being served under this rule. On the date that a document served under this rule is electronically sent to an attorney, the sender shall send by mail, facsimile or hand-delivery a certificate that advises that a document has been transmitted electronically. The certificate shall state the caption of the action; the trial court file number; the title of the transmitted document; the number of pages of the transmitted document (including all exhibits thereto); the sender's name, address, telephone number and electronic mail address; the electronic mail address of each recipient; and the date and time of the transmission. The certificate shall also include words to this effect: "If you did not receive this document, please contact the sender immediately to receive an electronic or physical copy of this document." The certificate shall be sent to all counsel of record.

(b) An attorney who sends a document to another attorney electronically and who is notified that it was not received must promptly furnish a copy of the document to the attorney who did not receive it.

(c) A document transmitted electronically shall be treated as a document that was mailed for purposes of computation of time under Rule 6.

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(d) For good cause shown, an attorney may obtain a court order prohibiting service of documents on that attorney by electronic mail and requiring that all documents be served under subsection (1).

[As amended by order entered January 31, 1984, effective August 20, 1984; by order entered December 10, 2003, effective July 1, 2004; and by order entered December 14, 2009, effective July 1, 2010.]

**Advisory Commission Comments [2010].**

The Commission is aware that many attorneys serve documents on one another electronically but, because the current rule does not provide electronic service is sufficient service, also send a paper copy of the document. This rule change is designed to allow attorneys to accomplish service of pleadings and other papers electronically without the need to send a physical copy.

The requirement that the sender shall include language in the subject line designed to alert the recipient that a document is being served under this rule is intended to reduce the possibility that the recipient might overlook the service of a document. Words in the subject line to the effect of "TRCP Rule 5 Service of Document in *Smith v. Jones*" are sufficient.

Adobe PDF was chosen as the format because it is required for federal court filings and virtually all attorneys have ready access to it. Of course, the parties may stipulate to the use of a different format.

The mailing or hand delivery of a certificate was included out of concern, well-founded or not, that an email transmitting a document could be lost in cyberspace. The certificate requirement puts the receiving attorney on notice that a document has been sent and, if the document was not received, will allow that attorney to initiate a process for promptly obtaining a copy of it.

The rule provides a mechanism for a court to order, for good cause shown, that electronic service of pleadings and papers not be permitted in a particular case.

**Advisory Commission Comments [2012].**

The first paragraph of Rule 5.02 is amended to address service of pleadings and other papers in cases in which an attorney has filed a notice of limited scope representation or a notice of limited appearance for an otherwise self-represented person, pursuant to Rule 11.01(b).

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## **RULE 11. SIGNING OF PLEADINGS, MOTIONS, AND OTHER PAPERS; REPRESENTATIONS TO COURT; SANCTIONS**

### **Rule 11.01: Signature.**

(a) Every pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address, telephone number, and Tennessee Board of Professional Responsibility number, if any. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) Appearance of Counsel and Notification by Counsel Subject to Limited Scope Representation. An attorney providing limited scope representation to an otherwise unrepresented party shall file at the beginning of the representation an initial notice of limited scope representation with the court, simply stating that the representation is subject to a written limited scope representation agreement without disclosing the terms of the agreement. In addition to the initial notice of limited scope representation, when provided notice by another party, attorney or the court of a motion, pleading, discovery, hearing or other proceeding that is outside of the scope of the services provided pursuant to the limited scope representation agreement, an attorney shall promptly file a notice of limited appearance that the attorney does not represent the otherwise unrepresented party for purposes of the motion, pleading, discovery, hearing or other proceeding. The notice of limited appearance shall simply state that the limited scope representation does not include representation for purposes of the motion, pleading, discovery, hearing or other proceeding noticed and shall not otherwise disclose the terms of the limited scope representation agreement. The notice of limited appearance shall provide the otherwise unrepresented client with the deadline(s), if any, for responding to the motion, pleading, discovery, hearing or other proceeding and shall state the date, place and time of any hearing or other proceeding. If an initial notice of limited scope representation or a notice of limited appearance is filed, service shall be made as provided in Rule 5.02.

(c) Withdrawal of Counsel Upon Completion of a Limited Scope Representation. Upon the filing of a notice of completion of limited scope representation that is accompanied by a declaration from the attorney indicating that the attorney's obligations under a limited scope representation agreement have been satisfied, and that the attorney provided the otherwise unrepresented person at least fourteen (14) days advance written notice of the filing of notice of completion of limited scope representation, the attorney shall have withdrawn from representation in the case. [As amended by order entered January 26, 1999, effective July 1, 1999; and by order filed January 13, 2012, effective July 1, 2012.]

#### **Advisory Commission Comments. [2012].**

Rule 11.01 is amended to add new paragraphs (b) and (c), concerning an attorney's limited scope representation of a client. An attorney's obligations under this Rule of Civil Procedure are also governed by Tenn. Sup. Ct. R. 8, RPC 1.2(c), which states: "A lawyer may limit the scope of

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representation if the limitation is reasonable under the circumstances and the client gives informed consent, preferably in writing.” *See also* Tenn. Sup. Ct. R. 8, RPC 1.2(c), Comments [6] – [8]. Note, however, that paragraph (b) of this Rule goes further than RPC 1.2(c) and requires that an agreement for limited scope representation, as it relates to a proceeding governed by this Rule, must be in writing.

Nothing in this rule prohibits an attorney providing limited scope representation from withdrawing with leave of the court prior to completion of the terms set forth in the limited scope representation agreement.

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## **Conflicts of Interest**

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THE TENNESSEE

**FAITH & JUSTICE**

ALLIANCE

## **Conflicts of Interest**

### ***Full Representation***

An attorney in Tennessee shall not represent a client if the representation involves a concurrent conflict of interest under the Tennessee Rules of Professional Conduct (RPC), with few exceptions. Therefore, an attorney who volunteers to take cases in their entirety through the Tennessee Faith and Justice Alliance must perform a normal conflict check under the RPC in order to take on full representation of a congregant with legal need.

### ***Limited Scope Representation***

An attorney in Tennessee may take part of a case as provided for in the Tennessee Rules of Civil Procedure (RCP). Please see the section of the Implementation Manual on this topic for more information. Similarly to an attorney who takes on full representation of a congregant with legal need, an attorney who represents a congregant in part of his or her case must also perform a normal conflict check under the RPC in order to take on full representation of a congregant with legal need.

### ***One-Time Meetings and Assistance***

Under Tennessee RPC 1.2(c) and 6.5, the general rules for attorneys as to conflicts of interest do not apply to attorneys' participation in the Tennessee Faith and Justice Alliance's Referral Model when a volunteer attorney only gives one-time, pro bono assistance such as meeting the congregant once and providing limited guidance, referrals, and information or advice about the legal issues. This type of assistance is comparable to a free, general legal advice clinic and is not representation.

Instead, the only conflicts of interest that would preclude a volunteer attorney from answering a question for a congregant seeking this one-time pro bono assistance are conflicts of interest that the volunteer attorney actually knows of at the time that the volunteer attorney meets the congregant to assist.

The congregant must be told that the possibility exists either that the volunteer attorney who meets with the congregants or that another attorney who works in the same firm as the volunteer attorney may actually be representing other parties with an interest in the congregant's legal questions. In some cases, the congregant's name might be provided to the volunteer attorney so that the volunteer attorney can make sure not to answer the questions if the attorney knows that he/she would have a conflict of interest. Based on any information that the congregant or the Lead Coordinator provides to the volunteer attorney (whether the name or any details of the question), if the volunteer attorney actually knows of a conflict of interest precluding him/her from answering, the congregant will be referred to a different volunteer attorney.

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## **Access to Justice Commission Contact Information**

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## **Access to Justice Commission Contact Information**

### **Role of the Access to Justice Commission**

The ATJC plays an active role in the beginning stages of implementing the Initiative in new congregations. After implementing the Initiative in your congregation, however, the ATJC takes a more passive role so that the congregation is able to sustain the project on its own.

The ATJC is always available for questions, comments, or concerns in the event that problems arise. Please contact the Pro Bono Coordinator or Access to Justice Coordinator, listed below:

- Patricia Mills, Pro Bono Coordinator  
[Patricia.Mills@tncourts.gov](mailto:Patricia.Mills@tncourts.gov)  
(615) 741-2687
- Anne-Louise Wirthlin, Access to Justice Coordinator  
[Anne.Louise.Wirthlin@tncourts.gov](mailto:Anne.Louise.Wirthlin@tncourts.gov)  
(615) 741-2687

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## **Troubleshooting: When No Attorney Can Take the Case**

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## **Troubleshooting: When No Attorney Can Take the Case**

When no attorney is available to take a case referred to the Lead Coordinator by the religious leader or staff, there can be challenges to getting congregants in need the assistance required to address their troubles. There are certain steps we recommend that the Lead Coordinator take to get the congregant assistance. These are the steps from beginning to end that we recommend be taken at minimum:

1. When you determine what the general area of need is (for instance, family law), email or call the volunteer attorneys in your network that practice that particular area of law to see if one will take the case.
2. If no volunteer attorneys step forward from the first attempt to connect with the attorneys who practice in that particular field, email or call those attorneys once again.
3. If no attorneys who practice in that particular field come forward to take the case, reach out to attorneys who engage in general civil litigation or general civil law.
4. If no volunteer attorneys step forward from that attempt to connect with the attorneys who practice general civil litigation or general civil law, email or call those attorneys once again.
5. If no volunteers from the particular field of law or in general practice volunteer, think creatively. Refer to the Resource Manual that your state created for the Faith & Justice Alliance, or refer to the following link for Resource Manuals for the Tennessee Faith & Justice Alliance: <http://justiceforalltn.org/i-can-help/faith-based-initiative>.
  - a. Some clinics offered by Universities, for instance, will actually take cases in their entirety. Be mindful of the semester schedule and be aware that staffing and student resources are limited.
  - b. Connect the congregant with services that are more advocacy or social service based. For instance, the Tennessee Coalition to End Domestic and Sexual Violence and the YWCA provide advocates to assist victims of domestic and sexual violence through the court process.
  - c. Research clinics that sometimes are able to provide a volunteer to take a case in its entirety. For instance, Compassionate Counsel is able to provide full representation in some cases and depending on staff availability.

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6. If there are no resources available, do not leave the congregant without any assistance. At the very least, provide the congregant with legal resources with your state's Pro Bono Project information, the number for a Bar Association Pro Bono Leader, and other state resources.
  - a. For instance, in Tennessee, congregants may call legal help hotline aLEGALz for legal information, some legal advice, and referrals from a licensed Tennessee attorney. OnlineTNJustice.org provides similar assistance but via email and only to those who pass a financial income screening.
  - b. Tennessee offers many legal clinics via the local Legal Aid Society office and via private attorney volunteers. Develop a list of clinics in your state. For Tennessee, go to this website for an updated list of legal clinics by grand division and separated by topic: <http://justiceforalltn.org/resource/legal-clinics-tennessee>.
  - c. Direct congregants to self help resources such as the Legal Aid Society's brochures online, Supreme Court approved forms on the website of the Administrative Office of the Courts, and South East Legal Services.
7. Always advise the congregants, if all else fails, that they may seek help from an attorney on a pro bono or reduced fee basis and to ask the private attorneys if they provide such services. Also advise congregants that many attorneys do free consultations, and depending on the type of case, a private attorney may take on representation on a contingency basis (i.e. that the lawyer will only charge fees if the client wins something).
8. Reach out to the Pro Bono Coordinator or the Access to Justice Coordinator with the Supreme Court Access to Justice Commission for further assistance at the contact information listed on page 46.

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## **Master Check List for Implementing a TFJA Project**

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## **Master Check List for Implementing a TFJA Project**

### **Phase 1: Joining the Tennessee Faith & Justice Alliance**

1. Contact the Supreme Court Access to Justice Commission (“ATJC”) to get information on the Tennessee Faith & Justice Alliance (“TFJA”) and the Faith-Based Referral Model (the “Model”).
2. Consider whether your house of worship wants to join the TFJA and implement the Model (your house of worship must have support to participate in the program from religious staff or leaders as well as a person who will eventually serve as Lead Coordinator; your house of worship does not necessarily have an attorney in the congregation, although that is ideal). If your house of worship prefers to implement a faith-based legal clinic, please go online to <http://justiceforalltn.org/i-can-help/clinic-box2>. If you would like to implement a mediation program or a community education program, please contact the Supreme Court Access to Justice Commission at (615) 741-2687 or at [ATJinfo@tncourts.gov](mailto:ATJinfo@tncourts.gov).
3. After collaborating with the Supreme Court ATJC and determining that joining the TFJA and implementing the Model is right for your house of worship, reach out to any umbrella organizations over your house of worship. For instance, the United Methodist Church should reach out to the District Superintendant. If your house of worship does not have such an umbrella organization, reach out to the highest leader of your house of worship.
4. If your organization has such an umbrella organization, request approval from the decision making body (such as a Cabinet or board).
5. Once you have all approval necessary, contact the Supreme Court Access to Justice Commission at (615) 741-2687 or at [ATJinfo@tncourts.gov](mailto:ATJinfo@tncourts.gov).

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## **Phase 2: Implementing the Faith-Based Referral Model**

1. Disseminate information about the program and implementation steps to house of worship staff members within your own house of worship and other houses of worship within your faith if desired.
2. Begin recruiting members of your congregation and/or community to participate in the Model. You will need:
  - i. Support from religious leaders and staff within your house of worship;
  - ii. Someone in your congregation to serve as Lead Coordinator (think of passionate volunteers including staff members, congregants, and community leaders); and
  - iii. Attorneys, paralegals, mediators, judges, and other members of the legal community in your congregation or who are community leaders.
3. Schedule a training session with the Supreme Court ATJC for religious staff, religious leaders, and non-attorney volunteers including the person who will serve as your Lead Coordinator.
  - a. These groups will be trained on how to spot areas of congregant concern that might benefit from legal assistance or social service assistance. The Lead Coordinator will learn what forms he or she must send to the Supreme Court ATJC's Pro Bono Coordinator, how to handle difficulties, and resources he/she should keep on hand for the volunteers from the legal community.
4. If your house of worship has other houses of worship within your faith, connect with the other religious leaders and staff within those other houses of worship. Use this connection to recruit attorneys and members of the legal community (including judges, mediators, and paralegals) and to educate other religious leaders on potential legal issues that are frequently seen.
  - a. Compile a list of volunteers from the legal community.
  - b. The Lead Coordinator will fill out an Attorney Participation Form for each volunteer attorney and send these forms to the Supreme Court ATJC.
5. Reach out to the Supreme Court ATJC to hold a training session for recruited volunteer attorneys, judges, mediators, paralegals, and other members of the legal community. Send your lists of members of the legal community who would like to participate in the Model.
  - a. In this training, these groups will learn how to address concerns of the congregants, legal and social services resources that are available to address these concerns, contact information for the ATJC when difficulties arise, ethics and limited scope representation rules, and malpractice insurance.

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### **Phase 3: Operating the Faith-Based Referral Model**

1. Congregants will discuss pains from time to time with their religious leaders and staff
  - a. For example, “please pray for my family because I just lost my job, and I am having a hard time paying our bills.
2. Religious leaders and staff who hear these pains will recognize that these issues may be symptoms of legal issues.
  - a. In the example, there could be legal issues such as unemployment, wrongful termination, food stamps and public benefits, and others. This congregant might benefit from social service resources as well, such as food pantries and organizations that assist low-income families with paying utility bills.
3. Religious leaders and staff who spot these issues will speak with their Model’s Lead Coordinator and relay the congregant’s contact information to the Lead Coordinator.
4. The Lead Coordinator may meet with the congregant if it is necessary to learn more about the issues involved.
5. If there is a social service issue, the Lead Coordinator will connect the congregant with social service resources after consulting manuals and materials on local resources.
6. If there is a legal issue, the Lead Coordinator will reach out to the volunteer attorneys who practice in the area of law implicated. The Lead Coordinator will ask for a private attorney to step up to take the case.
  - a. In this example, an attorney from the Legal Aid Society should help with food stamp and public benefits issues, and a private attorney should assist with employment issues. A private attorney who has been through the training will know when to refer the public benefits portion of the case to the Legal Aid Society but to retain the employment portion of the case.
7. Once a private attorney volunteers to take the case, the Lead Coordinator will give the attorney’s contact information to the congregant.
8. If there are any difficulties in connecting the congregant with assistance (whether legal or social services), the Lead Coordinator will refer to the Troubleshooting Section first and, if that fails, contact the Supreme Court ATJC second.
9. **The Lead Coordinator must provide a malpractice insurance form to each attorney who assists a congregant and send the form to the Supreme Court ATJC for every case as soon as possible.**

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#### **Phase 4: Maintaining the Faith-Based Referral Model**

1. In the event that there are changes in volunteers (whether religious leaders, Lead Coordinators, or attorneys), the Lead Coordinator will notify the Supreme Court ATJC and recruit replacements.

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## **List of Other Resources**

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## **List of Other Resources**

- **1-844-Help4TN**: a free legal hotline that assists Tennesseans find resources to deal with civil legal issues. Call the line at 1-844-Help4TN (1-844-435-7486). You can talk to an attorney and get free limited legal advice and referrals to other resources. You can leave a message if you call after hours or the attorney is helping another caller.
- **Help4TN.org**: an online resource that provides information on legal issues and directs users to court forms, free legal advice resources, and attorneys at <http://www.Help4TN.org>.
- **Justice for All**: a resource for low-income clients which provides a list of resources including free legal clinics where people can speak to a lawyer for free to get advice, information, and referrals. Visit <http://justiceforalltn.com/resource/legal-clinics-tennessee> for a list of free clinics in your area. Additionally, the website connects visitors to free mediation centers which can be alternatives to legal actions. Visit <http://justiceforalltn.com/i-need-help/alternatives-court> for a nearby mediation center. View <http://justiceforalltn.com/i-need-help/resources-topic> for legal information by topic. View clinic start-up documents online for volunteers at <http://www.justiceforalltn.com/i-can-help/clinic-box2> and resource manuals for volunteers in the Tennessee Faith & Justice Alliance at <http://www.justiceforalltn.com/i-can-help/faith-based-initiative>.
- **Legal Services Providers**: There is a legal service provider in each grand division. For west Tennessee, contact West Tennessee Legal Services or Memphis Area Legal Services. For middle Tennessee, contact the Legal Aid Society of Middle Tennessee and the Cumberlands. For east Tennessee, contact Legal Aid of East Tennessee.
- **OnlineTNJustice.org**: an online service for people in need of free legal services at <http://www.onlinetnjustice.org/>. The system screens clients for eligibility and, if qualified, allows them to post a question to a private messaging system. The questions are answered by private volunteer attorneys.
- **Tennessee Administrative Office of the Courts**: a resource of information and forms you can use in court on certain legal topics at <http://tncourts.gov/forms-publications>. Submit questions for additional help through <http://tncourts.gov/contact>.
- **South East Legal Services**: an online self-help center which provides legal information as well as forms that you can use in court if you cannot afford an attorney. Visit <http://www.selegal.org/> for more information.
- **Bar Association Referral Programs**: a referral program to connect those who cannot afford an attorney to pro bono resources. Contact your local bar association (by city, county, or state) for more information.

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