

# Minnesota Civil Legal Aid Referral Policy

Last Revised September 2020

Approved by Legal Services Advisory Committee September 2020

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## Purpose

The purpose of this policy is to improve the client experience in being referred between Minnesota civil legal aid programs and to provide clarity for program staff regarding referrals and referral protocols. This policy applies to civil legal aid programs receiving Legal Services Advisory Committee (LSAC) funding and participating in the Legal Organization Online Network (LOON).

## General LOON Protocols

Programs participating in LOON recognize the importance of communication in facilitating effective case referrals and identifying problems to improve efficiency and the experience of clients referred from one program to another. In line with this recognition, programs participating in LOON agree to adhere to the following protocols.

- Programs agree to update LOON in real time as priorities change, new grants are received, new projects are started, etc.
- Each program should have appropriate staff designated to verify the accuracy of the information in LOON at least quarterly.
- Programs agree to communicate to Legal Services State Support to identify specific issues with the LOON technology or process.

## Case Venue

When a prospective client's residence is different from where the case is venued, a referral should be made based on where the case is venued.

- *Example 1:* A prospective client calls SMRLS because they reside in SMRLS's service area. At the beginning of the call, the prospective client tells the intake staff that the case is venued in Duluth. SMRLS intake staff should refer the caller to LASNEM.
- *Example 2:* A prospective client that resides in LSNM's service area calls MMLA. The caller shares with MMLA intake staff that they contacted MMLA because their case is venued in Minneapolis. MMLA should proceed with the screening and intake process; they should not refer the case to LSNM.

## Referral without Case Acceptance

Programs agree to use LOON during client screening phase<sup>1</sup>. If your program is not able to assist the prospective client but believes that there may be another program providing the needed service, then this section of the policy applies.

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### Phone Number Only Referrals

This section applies when it becomes clear relatively quickly in the client screening process that the prospective client has a civil legal issue but has called the wrong program. Common reasons for Phone Number Only Referrals:

- Called the wrong organization
  - *Example:* a person does a google search for “legal aid” and contacts an organization that cannot serve them because of residence or venue
- Another legal aid organization will know the resources better
  - *Example:* a person calls LSNM in need of legal help in the Twin Cities

### Referral Process

1. Check LOON to assess fit for another program (case type, geography, income, etc.)
  2. Provide the phone number of the receiving program(s) to the caller
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### Warm Referrals Without Intake

This section applies when the prospective client has shared their situation with intake staff but they do not fit that organization’s case acceptance criteria or the case is venued outside of that organization’s coverage area.

The “*warm*” part of the referral means that the referring organization contacts the receiving organization so that they are aware of the person’s situation in the hopes of saving the prospective client from having to share their story again with the receiving organization. This is not a “warm transfer” of a phone call. The “*without intake*” part of the referral is to make it more efficient for the prospective client by having them only go through the intake process with the receiving organization.

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<sup>1</sup> Client screening phase is defined as phone and walk-in screening and intake.

## Referral Process

1. Check LOON to assess fit for another program (case type, geography, income, etc.)
  2. Provide phone number of the receiving program(s) to the caller and tell them that the program will contact them **and** that the program may not be able to accept their case.
  3. Contact receiving program with referral information
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## Warm Referrals With Intake<sup>2</sup>

This section applies when the information gathered from the prospective client during intake is being transferred to another civil legal aid program in accordance with procedures established between two programs for warm referrals. Warm referrals should only be made to another program if [1] LOON indicates that the case type fits the program's eligibility and case acceptance guidelines, and [2] the prospective client authorizes the referral and sharing of information with the receiving program.

- Do not make a referral to a civil legal aid program if the criteria in LOON does not fit. Telling a prospective client that your records show no free legal representation available for their situation is good customer service. General referrals can be made to self-help, law libraries, etc. and are not covered by this policy.
- Programs agree to communicate inaccurate referrals they receive to the designated program contact at the referring program to ensure continuous refinement and improvement in the quality of referrals made using LOON.

## Referral Process

1. Check LOON to assess fit for another program (case type, geography, income, etc.)
  2. Get authorization from the prospective client to share information with the receiving program
  3. Contact receiving program with referral information
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<sup>2</sup> Warm referral with intake is defined as contacting another program on the prospective client's behalf with the information provided during intake so that the prospective client does not have to provide the same information multiple times and with the expectation that there is a high likelihood the referral program will accept the case.

## Referral after Case Acceptance

If your program has accepted a case for full representation and then there is a change of circumstances (e.g., change of venue, client moves, etc.), then this section of the policy applies. All programs agree to provide a good faith effort to accept cases under this policy.

- A program may refer a case if it meets both the referring program's priorities and the receiving program's case priorities as outlined in LOON. The receiving program must accept a case referred under this protocol, except as noted below. The receiving program may waive its case priorities and accept a case at its discretion.
- The receiving program can reject a case if [1] it lacks resources and staff to take on the representation, [2] there is not a reasonable amount of time before a hearing or other case deadlines that affect the ability of the receiving program to take on the representation, [3] prohibited by funding restrictions, or [4] accepting the case would result in a conflict of interest.
- Referrals shall be made to the receiving program's designated staff for reviewing incoming referrals. The referring program shall send a summary of the facts and a concise statement of the basis for eligibility and case acceptance along with all relevant documents to the receiving program.
- Acceptance – The receiving program shall notify the referring program of its acceptance of the referral within 5 business days. No attorney-client relationship is established between the client and the receiving program until the receiving program accepts the case and is retained by the client. Until an attorney-client relationship is established between the client and the receiving program, the relationship remains with the referring program. The referring program shall maintain an open file and designate back-up staff to consult with and assist the receiving program's attorney.
- Rejection – If the receiving program does not accept the referral, then it shall inform the referring program of the basis of the rejection within 5 business days. In this event, the referring program must communicate the rejection promptly to the client.
- The attorney assigned to handle the matter at the receiving program is the attorney of record. The receiving program's attorney is lead counsel and shall have final authority for case decisions. The receiving program is responsible for the management of the case, including preparation of documents and pleadings, research, and trial preparation. Any costs of representation are the responsibility of the receiving program, as the attorney of record. Unless the receiving program's attorney and the referring program's back-up staff otherwise agree, the referring program shall assist in maintaining contact with the client and in providing help, as resources allow, with specific investigations, witness interviews, service of process, and case work assistance for clients and persons residing in the referring program's area. In such cases, the referring program and the receiving program shall enter joint representation agreements outlining each program's particular obligations in serving the client.

## **Other Requests for Assistance**

Whenever a program makes a request for assistance that is less than a referral of the case (e.g., witness interview, one-time court appearance, etc.) cooperation should be extended and the request honored whenever possible.

## **Have questions or feedback about this policy?**

Send us a message through this [online form](#).