

**Volunteer Attorney Responsibilities**

*Thank you for agreeing to represent an asylum seeker through The Advocates. The information below is intended to be a reference for you throughout the representation of your client. The topics covered are:* Ethical Representation, Costs, Malpractice Insurance, Retainer Agreements, Interpreters, Psycho-social Referrals, Continuing Representation, Case Closing.

**Ethical Representation:**

1. Meet with your client regularly to prepare the application
2. Meet all filing deadlines with USCIS & Immigration Court
3. Communicate with your client about the status of the case
4. Respond to questions from your client about his/her case
5. Contact your consulting attorney or Advocates staff if you are not sure how to proceed or have questions about asylum law.
6. Read The Advocates Asylum Manual, available on our website at <http://www.theadvocatesforhumanrights.org/asylum_manual_2.html> and sign onto [www.probono.net/asylum](http://www.probono.net/asylum) to stay current on asylum developments.
7. Represent your client throughout the stage of the proceeding to which you committed. We cannot guarantee your client a new attorney if you withdraw before the conclusion of the stage.
   1. The Advocates generally assigns cases in one of four procedural postures: an affirmative case to be filed with the Asylum Office; a removal case to be litigated before the immigration court; an appeal case before the Board of Immigration Appeals; or a petition for review in the Federal Court of Appeals.
   2. If you feel unable to continue with representation at the next stage, the case may be reassigned to a new attorney if the client remains eligible for The Advocates services and a volunteer is available. If the client is not eligible or a volunteer is not available the client will be referred to private attorneys for paid representation.

**Costs:**

Assume all costs of representation – copying, transportation (for you) to and from hearings/interviews, meeting space and other costs. The Advocates **cannot** cover costs or provide reimbursement to you.

**Malpractice Insurance:**

Maintain malpractice insurance that covers your *pro bono* asylum case. The Advocates makes malpractice insurance available for cases handled through our office. If you wish for your asylum case to be covered by our policy please take the following steps:

1. Complete the online attorney agreement at our website (one time only): <http://www.theadvocatesforhumanrights.org/attorney_agreement.html>
2. Provide us with a copy of a signed retainer agreement between you and your asylum client for this case.

**Retainer Agreement:**

You must complete a retainer agreement with the client. An Advocates retainer agreement is included with the transmission of this case, but you are also welcome to use your own agreement. The retainer agreement should include the following terms, which we recommend you also review with the client at your first meeting:

Scope of Representation: discuss with the client precisely what services you are agreeing to provide *pro bono*. Asylum cases may be completed quickly or may take years to win. Even after asylum is granted, clients may have continuing legal rights and needs. The scope of your representation, limited to this stage of the asylum claim, should be clear at the beginning. The Advocates executes a new retainer agreement with a client for a new stage – affirmative, removal, family reunification, permanent resident status – and we strongly recommend you do the same.

Fees: you agree to charge no legal fees for the *pro bono* representation provided to The Advocates client, and to cover the costs of representation, including postage, copying, and the like. The Advocates cannot reimburse VAs for any costs. Please keep in mind that The Advocates accepts only clients whose income falls below 125% of the federal poverty level and that we do not expect clients to cover these costs. As a volunteer, we expect you to donate both your professional skills as well as other costs related to representing your client. If your firm or agency does not allow you to cover these costs, please discuss with The Advocates whether you can still take the case.

Confidentiality: explain to the client what is and is not covered by confidentiality and attorney-client privilege especially with regard to family members, interpreters, and friends of the client whom he or she may want to bring to meetings.

Termination: cover circumstances in which representation would not continue. Failure to cooperate in preparation of the case, loss of contact, moving out of the service area, dishonesty such that representation would cause a violation of the ethical rules, and conviction of a crime are all grounds for termination in The Advocates agreement with clients.

**Interpreters:**

It is your responsibility to find & provide an interpreter for all client meetings and interviews as needed. Additionally, any foreign language documents submitted in support of your client’s case must be translated into English and accompanied by a certificate of translation signed by the translator. The Advocates has a panel of volunteer interpreters/translators who can assist, however we need notice to make arrangements for a volunteer interpreter to work on your case. Please complete our on-line [interpreter/translator request](http://www.advrights.org/Request_an_Interpreter_or_Translation) to request a volunteer.

**Psycho-social Referrals:**

If your client suffers from medical or psychological problems resulting from torture or mistreatment, an evaluation from a physician or therapist may be a critical piece of evidence. If your client is also a client of the Center for Victims of Torture, please contact their social worker or therapist so that you may collaborate with them going forward. Have your client sign a consent form before contacting the social worker, to enable sharing of information. If your client has other mental or physical health needs and is not a client or not eligible for services at the Center, you may contact The Advocates staff for additional referrals.

**Continuing Representation**

Once the client is granted asylum**,** the client is entitled to petition to bring immediate family members to the U.S., to apply for a travel document, and to apply for lawful permanent residence in the U.S. You may wish to assist the client with these ancillary matters but you are not required to continue representing the client for this next step. If you chose to do so:

1. Please notify The Advocates so we may update the file and execute a new retainer agreement with the client.
2. You should also complete a new retainer agreement to cover the scope of the new representation, and provide a copy to The Advocates if you wish ongoing malpractice insurance.

Likewise, if the nature of your client’s case changes during representation (for example, he or she marries a U.S. Citizen and wishes to pursue status through the spouse) you may opt to end representation or continue. Either way, inform The Advocates of the change in the case and your work as attorney. If you choose to continue with representation please execute a new retainer agreement. The Advocates does not commit you to assisting clients with non-asylum immigration matters, nor does The Advocates commit to assisting clients with non-asylum matters.

**At the End of the Case**

Upon the completion of agreed-upon legal work, the VA is expected to complete a number of tasks:

1. Notify The Advocates of the case closing and the outcome of the case, providing a copy of the order or decision;
2. **Write a closing letter to the client** summarizing the outcome of the case, any expected deadlines or obligations the client must be aware of, and notifying the client that because all work agreed to in the retainer agreement has been completed, the attorney/client relationship is terminated and file retention/destruction policies;
3. Fill out The Advocates [Case Closing Form](http://www.advrights.org/case_closing_form_for_volunteer_attorneys_2) reporting the total number of hours contributed and approximate value of those hours.

Please refer to The Advocates Asylum Manual, [www.probono.net/asylum](http://www.probono.net/asylum), your consulting attorney or The Advocates staff if you have questions about the law of asylum, procedure, and working with asylum clients or anything else not addressed here.