

Frequently Asked Questions About SCLS and the Private Attorney Involvement (PAI) Program

About SCLS

What types of cases does South Carolina Legal Services handle?

SCLS provides services to financially eligible applicants in the following areas of law: Family; Housing; Probate; Public Benefits; Consumer; Education; Employment; Health; Immigration (where the client is a survivor of domestic abuse or a victim of other crimes); Federal Income Tax; Farm Worker Issues; and Expungements (for the purpose of access to employment, housing, or public benefits). SCLS does NOT handle criminal cases.

Within those practice areas, SCLS handles a wide range of civil legal matters, including guardianship, divorce, custody/visitation, orders of protection, bankruptcy, debtor/creditor, garnishment, tax, landlord/tenant disputes, evictions, foreclosure, public and subsidized housing, powers of attorney, wills and estates, disability rights, employment rights, and problems with public benefits, including Medicaid, Medicare, SNAP, and Social Security or SSI.

Who is eligible for services from SCLS?

Typically, applicants must have a household income that is at or below 125% of the federal poverty level to qualify for assistance from SCLS. SCLS can sometimes obtain a waiver if an applicant's household income is at or below 200% of the federal poverty level. In addition, some funding, such as for assisting survivors of domestic violence, senior citizens, and veterans, allows services for applicants with higher incomes.

Overview of the PAI Program

What will I be doing if I sign up with the SCLS PAI Program?

Participating Attorneys provide a range of services based on their preferences. They may provide advice and counsel to a client or accept a case for full representation. There are also opportunities to provide brief, limited scope service at a one-day clinic, for instance, preparing advance directives or assisting with the completion of legal forms to file for divorce, obtain an expungement, or have a name and/or gender marker changed.

SCLS also needs Participating Attorneys to serve as guardians ad litem and mediators in cases. Finally, Participating Attorneys play a vital role in educating community groups and other Participating Attorneys. Community organizations around the state frequently seek speakers on various legal topics. Participating Attorneys partner with SCLS to provide this service. Participating Attorneys are also needed to educate other potential Participating Attorneys through trainings and CLE courses on legal topics common to SCLS clients.

How much time will it take?

For a clinic, legal education, or training, the time commitment is typically two to three hours. If a

Participating Attorney accepts referral of a case, the time commitment depends on the scope of representation just like with a paying client.

Are there any one-time opportunities available? I am not a litigator. Are there any pro bono opportunities for me?

Yes. There are opportunities for Participating Attorneys to provide legal education on various legal topics and to assist with clinics where clients are provided with limited services, such as preparation of advance directives or assistance completing legal documents for divorce, expungement, or a name change.

What about malpractice insurance?

SCLS provides malpractice insurance for all PAI work. If the Participating Attorney does not have malpractice insurance, SCLS' coverage is primary. If the Participating Attorney has malpractice insurance, SCLS' coverage is secondary to that of the Participating Attorney.

What other support does SCLS offer to Participating Attorneys?

In addition to malpractice insurance, SCLS provides sample pleadings and forms, legal advice checklists, access to online trainings, and notice of free CLE training offered by SCLS or partner organizations. SCLS staff attorneys are also available to consult with Participating Attorneys on matters.

Case Acceptance and Responsibilities

What kinds of cases can I get involved with?

Cases are placed with Participating Attorneys based on the case types and regions of the state they have identified in their PAI Agreement.

By signing up, am I committing to taking a certain number of cases? What is the level of commitment expected of me?

No. Participating Attorneys may accept case referrals as often or as little as they like. By signing up, a Participating Attorney is giving SCLS permission to contact them and ask them to consider accepting a referral. SCLS never refers a case to a Participating Attorney without asking them first. If a Participating Attorney is asked to accept a referral but is too busy at the time, they are free to say "no" and SCLS will ask another Participating Attorney.

When a Participating Attorney accepts a referral, they are only agreeing to an initial consultation with the referred client. SCLS asks that the Participating Attorney meet with the referred client with a specific goal in mind, like representing the client with regard to a specific legal issue or providing counsel and advice on a specific legal issue, but the scope of the relationship with the client will be determined by the Participating Attorney after the first meeting.

All that SCLS asks is that Participating Attorneys complete any matter referred to them. If a Participating Attorney is unable to complete a matter for any reason, they should contact the PAI

Coordinator as soon as possible.

How does a case get to a Participating Attorney?

Potential clients call the SCLS Intake Line or complete an online intake. They are screened for financial eligibility (approximately 125% of the federal poverty level or \$37,500 annual income for a family of four) and case type. If they are financially eligible and have the type of legal matter SCLS handles, their matter is referred to the SCLS office in the area where the matter is pending and the managing attorney in that office determines if the matter is appropriate for PAI placement.

The PAI Coordinator in that office will contact the next Participating Attorney on the PAI list for that particular case type and provide them with preliminary information about the case. SCLS asks that the Participating Attorney advise the PAI Coordinator within five days if a conflict exists or if they will accept the referral. If the referral is accepted, the PAI Coordinator will provide a case description as well as all pertinent documents, an Opening/Referral Letter, a Case Open Report (this triggers your malpractice insurance), a Cost Reimbursement Form, and a Close Case Report. Participating Attorneys are asked to provide the PAI Coordinator with a status update each quarter until the case is closed.

The referred client will call the Participating Attorney's office to arrange a meeting. SCLS recommends that Participating Attorneys meet with the referred client as soon as practicable so that expectations and the scope of representation can be established.

Following the referral, the Participating Attorney works directly with the referred client until the matter is complete. The Participating Attorney closes the case when they feel it is appropriate just like with any paying client. The Participating Attorney will provide the PAI Coordinator a copy of the closing letter sent to the client and copies of any case closing documents evidencing the finalization of the case or representation, e.g., final court order, copy of the will drafted, final benefits award letter, mediated agreement.

What is the scope of my representation?

Participating Attorneys are only expected to handle the specific matter that was referred by SCLS. If the client needs assistance with additional legal matters, the client should be instructed to contact SCLS directly. If the Participating Attorney wishes to assist with an additional legal problem, they must notify SCLS so that a referral can be made after the intake is completed.

Can I appeal on behalf of my referred client?

SCLS generally does not cover costs for most appeals and federal litigation. The Deputy Director of Litigation must approve all appeals.

If I agree to take a pro bono case and it becomes too complex, can I withdraw?

Most likely. SCLS will do its best to find another Participating Attorney or an SCLS staff attorney to substitute as counsel in order to allow you to withdraw seamlessly. However, whether

you can withdraw in some litigation cases will still depend on a court order granting withdrawal.

Who is responsible for costs?

Participating Attorneys should file a Certification of Indigent Representation pursuant to Rule 3(b)(2), SCRCP, to have filing fees waived. Participating Attorneys may request and be reimbursed for certain costs associated with a PAI case including, but not limited to, filing fees when the court denies a request to proceed *in forma pauperis*, and postage, fax or copying expenses not exceeding \$20. With prior approval, other costs may be reimbursed on a case-by-case basis. Other fees are the client's responsibility.

Before scheduling mediation, a Participating Attorney should contact the PAI Coordinator assigned to the case, who will attempt to locate a PAI mediator. SCLS does not reimburse for secretarial and paralegal work.

Can I ask for attorney fees? What happens if I recover attorney fees in a PAI case?

Yes. If a Participating Attorney requests that the court order another party besides the referred client to pay attorney fees and the request is granted and fees are recovered, the Participating Attorney may retain the entire amount recovered IF the Participating Attorney has not billed SCLS and been paid. The Participating Attorney must notify SCLS of the award and cannot bill SCLS for attorney fees. If the Participating Attorney HAS billed SCLS for attorney fees and been paid by SCLS, the Participating Attorney must refund SCLS the amount it paid to the Participating Attorney but may keep the remainder of the attorney fees awarded by the court.

I have the occasional client who can't afford to pay for my services. Can I represent the client through the PAI Program?

Yes. As long as the client is determined to be eligible for services from SCLS. A Participating Attorney should instruct the client to complete an online intake or call the SCLS intake line. If we determine they fall within our eligibility guidelines and their legal issue is one that is handled by SCLS, the case can be processed as a PAI case through our office and referred to you as a Participating Attorney.

Non-Case Related Work

What is limited scope representation?

Limited scope representation under the auspices of a legal services organization is permitted under Rule 6.5 of the South Carolina Rules of Professional Conduct, with informed consent of the client.

<https://www.sccourts.org/courtReg/displayRule.cfm?ruleID=407.0&subRuleID=RULE%206%2E5&ruleType=APP>. Comment 1 to the rule acknowledges that legal services organizations, courts and various nonprofit organizations have established programs through which lawyers provide short term limited legal services such as advice or the completion of legal forms that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal advice hotlines, advice once clinics or pro se counseling programs, a

client lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation.

Get Involved

What qualifications do I need to get involved?

Participating Attorneys must be members in good standing of the South Carolina Bar. The PAI Program is a great way to get experience in a new practice area. SCLS offers support through trainings, forms, samples, court information, and other assistance.

Where can I get involved?

SCLS coordinates serves all 46 counties in South Carolina. Participating Attorneys can designate the counties where they are willing to assist.

How do I sign up?

Complete and submit our PAI Agreement and we will contact you.

Other Opportunities

I know how important it is to provide legal services to the poor, but I am not able to participate in the PAI Program at this time. How else may I help?

Your tax-deductible contributions are always welcome. Rule 6.1 of the South Carolina Rules of Professional Conduct states that attorneys may discharge their responsibility to render public interest legal service through financial support for organizations that provide legal services to persons of limited means. [Click here to donate online.](#)

I am a member of the bar, but don't practice as a lawyer. Can I still get involved?

Absolutely! There are many ways to volunteer with SCLS. Please contact Betsy Goodale at betsygoodale@sclegal.org or (803) 744-4138 to inquire about volunteer opportunities.

Other Benefits

Why should I participate in the PAI Program?

Participating in the PAI Program promotes access to justice, which is critical for low-income South Carolinians.

The PAI Program also gives attorneys an opportunity to gain knowledge and experience in new practice areas and give back to their community by using their expertise.

What impact will I have if I get involved?

Participating Attorneys can make a life-changing difference for people in their community who apply for and qualify to receive services from SCLS but would not receive assistance because of a lack of resources. Assistance from a Participating Attorney can help increase the self-

sufficiency of a low-income family, reduce domestic violence, protect low-income families and elderly individuals who have been victimized by fraud or financial abuse, improve the quality and stability of housing for low-income families, obtain access to health care for impoverished children and other individuals, and improve the quality of life of elderly and disabled individuals.

Is participation in the PAI Program considered pro bono service?

Rule 6.1 of the South Carolina Rules of Professional Conduct states the following: "A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means."

Services provided as a Participating Attorney in SCLS' Private Attorney Involvement Program qualify as pro bono services because they are provided at no fee or a reduced fee to persons of limited means OR they are provided for the purposes of improving the law, the legal system, or the legal profession.

If you provide 50 hours or more of pro bono service in a year, you qualify for the South Carolina Supreme Court's Pro Bono Honor Roll. You report those hours when you submit your annual license fees to the South Carolina Bar. You can also earn certificates through the South Carolina Bar - \$50 for 25-34.99 hours and \$100 for 35 hours or more – to be used towards CLE programs or publications. <https://www.scbar.org/lawyers/bar-programs/pro-bono-program/report-pro-bono-public-service-hours/>.