

WHAT TO DO WHEN YOU CAN'T AFFORD AN ATTORNEY

Virginia State Bar Public Information Webinar
November 29, 2016

****Disclaimer****

1. Legal advice will not be provided during this session.
2. The information provided is general in nature and some details may vary depending on the court and jurisdiction.

Presenters

- Karl A. Doss, Director of Access to Legal Services, Virginia State Bar, Richmond, VA
- Ann Kloeckner, Executive Director, Legal Aid Works, Fredericksburg, VA
- Toni Dunson, Coordinator, Virginia Lawyer Referral Service, Virginia State Bar, Richmond, VA
- Gail Warren, State Law Librarian, Supreme Court of Virginia, Richmond, VA

Presentation Agenda

- Welcome and Introductions (3 minutes)
- Background: Facts About the Justice Gap and the Right to Counsel (5 minutes)
- Options for Legal Assistance by Counsel (39 minutes)
 - Legal Aid (10 minutes)
 - Nonprofit Legal Services Organizations (5 minutes)
 - Virginia Lawyer Referral Service (7 minutes)
 - Virginia.freelegalanswers.org (7 minutes)
 - Getting Your \$ Worth if You Are Assisted by an Attorney (10 minutes)
- Options for Self-Represented Litigants (12 minutes)
 - State Courts Self-Represented Litigant Portal (7 minutes)
 - VALegalAid.org (5 minutes)
- Questions (14 minutes)
- Wrap-up and Thanks (2 minutes)

“There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.” U.S. Supreme Court, *Griffin v. Illinois*, (1956)

BACKGROUND: FACTS ABOUT THE JUSTICE GAP AND THE RIGHT TO COUNSEL

What is the Justice Gap?

The *Justice Gap* has been defined as “the difference between the level of legal assistance available and the level that is necessary to meet the needs of low-income Americans.”

Seven Facts About the Justice Gap in Virginia

1. Over 80% of the civil legal needs of the poor in Virginia and nationwide go unmet
2. Individuals who are represented by counsel are twice as likely to have a favorable outcome compared to those who are unrepresented
3. There are presently more than 1 million people in Virginia who are living in poverty. In other words, one in eight Virginians is eligible for free legal services from Virginia's legal aid programs
4. 48% percent of low and moderate income households in Virginia experience a legal problem each year (approximately 400,000 legal problems annually).

Seven Facts About the Justice Gap in Virginia

5. Because of funding cuts and decrease in IOLTA revenue, Virginia's legal aid programs have lost 20% of their funding, resulting in a loss of 20% of total legal aid attorney and support staff statewide (61 positions total, including 34 attorneys). That leaves just 130 legal aid lawyers to cover the land area of Virginia or 42,775 square miles. At the same time Virginia's poverty population has increased by over 30%
6. There is one legal aid lawyer per 7,237 poor persons in Virginia. Compare this to the ratio of one lawyer per 349 Virginians
7. Nationwide, 50% of the potential clients who request legal assistance from legal aid are turned away due to a lack of resources. People seeking assistance with family law cases were turned away 80% of the time

2015 Federal Poverty Guidelines for the 48 Contiguous States and D.C.

Persons in family/household	Poverty guideline
1	\$11,770
2	\$15,930
3	\$20,090
4	\$24,250
5	\$28,410
6	\$32,570
7	\$36,730
8	\$40,890

For families/households with more than 8 persons, add \$4,160 for each additional person

Source: <http://aspe.hhs.gov/2015-poverty-guidelines>

What is the Right to Counsel”?

- The “right to counsel” means the right to an attorney at public expense
- The Sixth Amendment of the Constitution of the United States provides: "In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence."
- *Gideon v Wainwright* (1963), the U.S. Supreme Court held that an indigent person charged with a serious crime was entitled to the appointment of criminal defense counsel at state expense. The right to counsel was later extended to misdemeanor state proceedings and was recognized by the Court at critical stages in criminal proceedings such as post-arrest interrogations, line-ups and arraignments.
- *In re Gault* (1967), the U.S. Supreme Court extended the right to counsel to children in juvenile delinquency proceedings.
- The right to counsel has been extended to quasi-criminal proceedings involving the loss of liberty such as mental competency and commitment proceedings, prison disciplinary hearings, extradition, and even some family such as some child dependency, abuse and neglect (TPR) matters.

Is There a Civil Right to Counsel?

- There is not a right to counsel in civil cases.
- This means that a poor person is not entitled to the appointment of an attorney at public expense in civil cases that involve such fundamental human needs as:
 1. securing or maintaining custody of their children,
 2. maintaining safe and habitable housing,
 3. obtaining protection from abusive relationships,
 4. securing access to critical health care and
 5. receiving disability payments.
- In cases such as these, litigants are often representing themselves.

Source: Legal Services Corporation, “Documenting the Justice Gap in America: The Current Unmet Civil Needs of Low Income Americans” (September 2009)

OPTIONS FOR LEGAL ASSISTANCE BY COUNSEL

Options for Legal Assistance By Counsel

- Legal Aid - Ann Kloeckner
- Nonprofit Legal Services Organizations – Ann Kloeckner
- Virginia Lawyer Referral Service – Toni Dunson
- Virginia.freelegalanswers.org – Karl Doss
- Getting Your \$ Worth if You Are Assisted by an Attorney – Ann Kloeckner

A Very Brief History of Legal Aid in the United States

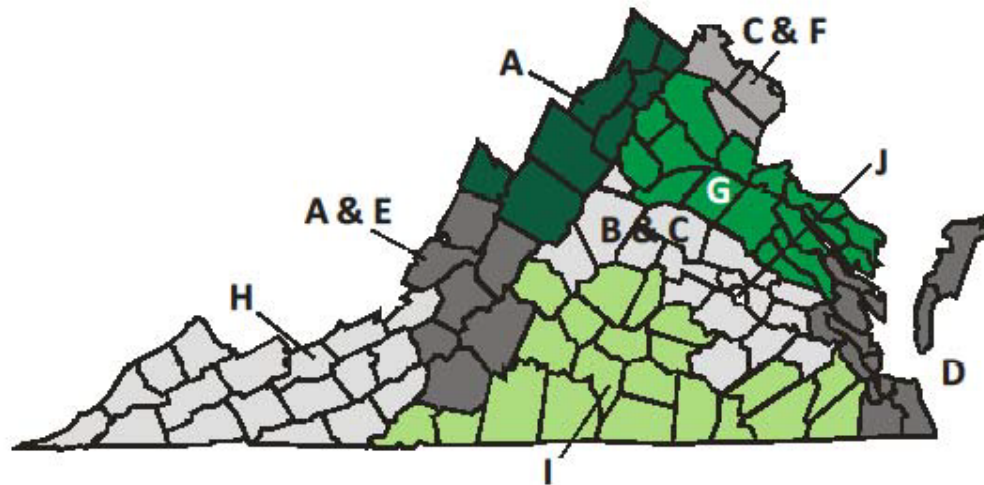
- Although there is no civil right to counsel, the American legal profession has for more than 100 years professed a commitment to free legal assistance to the poor through legal aid societies and bar association legal aid committees. This movement began in New York and Chicago and spread across the country into the 1960s
- In 1964, with the launching of the War on Poverty, federal funds became available to fund civil legal services for the poor.
- The Legal Services Corporation Act defined the scope of legal services that federally funded organizations could provide as well as provide an administrative structure for providing funds to local legal services organizations.
- Since 1980, funding has been significantly challenging for legal aid offices.

Virginia's Legal Aid Offices

Legal Aid Programs. There are nine legal programs serving Virginia. These programs help low-income families and individuals maintain the basics of life: income, shelter, food, health care, education, and family stability and range in size from eight employees to eighty. They also are assisted by volunteer lawyers through their pro bono programs. Please contact your local legal aid office for more information about the services offered and types of cases handled.

- [Blue Ridge Legal Services](#) – (540) 433-1830 (provides free civil legal assistance to low-income residents of the Shenandoah Valley and Roanoke Valley of Virginia; main office in Harrisonburg, offices in Winchester, Lexington, and Roanoke)
- [Central Virginia Legal Aid Society](#) – (804) 200-6049 (provides free civil (non-criminal) legal assistance to low income people who live in, or have legal problems arising in, the cities of Richmond, Petersburg, Hopewell, Colonial Heights and Charlottesville; and the counties of Albemarle, Charles City, Chesterfield, Dinwiddie, Fluvanna, Goochland, Greene, Hanover, Henrico, Louisa, Nelson, New Kent, Powhatan, Prince George and Surry; main office in Richmond, offices in Petersburg, and Charlottesville)
- [Legal Aid Works \(formerly Rappahannock Legal Services\)](#) – (540) 371-1105 (provides free, high-quality, civil legal assistance to low income individuals families; main offices in Fredericksburg, offices in Culpeper, and Tappahannock)
- [Legal Aid Justice Center](#) – (434) 977-0553 (provides assistance with critical legal problems for low income individuals and communities through zealous individual representation, group and class litigation, community organizing, policy advocacy, and media relations; main office in Charlottesville, offices in Richmond, Petersburg, and Falls Church)
- [Legal Aid Society of Eastern Virginia](#) – (757) 627-5423 (provides free civil legal services to low-income residents of Accomack, Chesapeake, Gloucester, Hampton, James City, Mathews, Middlesex, Newport News, Norfolk, Northampton, Poquoson, Portsmouth, Virginia Beach, Williamsburg and Yorktown; main office in Norfolk, offices in Hampton, Virginia Beach, Belle Haven, and Williamsburg)
- [Legal Aid Society of Roanoke Valley](#) – (540) 344-2088 (provides free civil legal assistance to low income residents of the Roanoke Valley including full range of legal services in select cases; office is located in Roanoke)
- [Legal Services of Northern Virginia](#) – (703) 778-6800 (provides legal representation to applicants residing in the following cities and counties: Arlington County, Alexandria, Falls Church, Manassas, Fairfax County, Loudon County, Prince William County, Herndon, Manassas Park, Vienna, and limited legal services to low income residents of Caroline, Culpeper, Essex, Fauquier, King & Queen, King William, Lancaster, Madison, Northumberland, Orange, Rappahannock, Richmond, Spotsylvania, Stafford and Westmoreland Counties.; Main office in Falls Church, offices in Arlington, Alexandria, Fairfax, Leesburg, and Manassas)
- [Southwest Virginia Legal Aid](#) – (276) 783-6576 (provides free civil legal services to low-income families in 17 counties and four small cities in southwestern Virginia; main office in Marion, offices in Castlewood and Christiansburg)
- [Virginia Legal Aid Society](#) – (434) 528-4722 (provides free civil legal services to eligible low-income residents in 20 counties and six cities in Central, Southside, and Western Tidewater Virginia; main office in Lynchburg, offices in Danville, Farmville, and Suffolk)

Map of Virginia Legal Aid Program Service Areas



A Blue Ridge Legal Services (BRLS);
Harrisonburg, Winchester,
Roanoke, Lexington

B Central Virginia Legal Aid Society
(CVLAS); Richmond, Petersburg,
Charlottesville

C Legal Aid Justice Center
(LAJC); Charlottesville, Falls Church,
Petersburg, Richmond

D Legal Aid Society of Eastern Virginia
(LSEV); Hampton, Norfolk, Virginia
Beach, Williamsburg, Belle Haven

E Legal Aid Society of Roanoke Valley
(LASRV); Roanoke

F Legal Services of Northern Virginia
(LSNV); Falls Church, Alexandria,
Fairfax, Leesburg, Manassas

G Rappahannock Legal Services
(RLS); Fredericksburg, Culpeper,
Tappahannock

H Southwest Virginia Legal Aid Society
(SWVLAS); Marion, Castlewood,
Christiansburg

I Virginia Legal Aid Society (VLAS),
Lynchburg, Danville, Farmville, Suffolk

J Virginia Poverty Law Center (VPLC);
Richmond (Statewide Program)

Examples of Services Offered by Legal Aid Organization

There are several different ways in which an organization can provide help:

1. **Full Representation** - by a lawyer or a legal advocate in court or at a hearing at a government agency.
2. **Brief Advice** - in person or over the telephone.
3. **Legal Clinic** - where you can briefly talk to an attorney about your legal problem.
4. **Pro Se Clinics** - where you are shown how you can "help yourself" with a particular legal problem
5. **Self-Help** - educational materials such as factsheets and brochures
6. **Pro Bono Referrals** – volunteer lawyers may be assigned to provide representation
7. **Other** – workshops and other services.

Eligibility for Assistance by Legal Aid Organizations

- **Eligibility for Services.** Some legal aid organizations cannot serve people with incomes higher than their guidelines. Income guidelines use a percentage of the federal poverty income amount. Even if one meets the eligibility requirements, there is no guarantee of legal assistance from a legal aid organization in Virginia. NOTE – some organizations may make exceptions for seniors, people who are HIV positive, victims of domestic violence, etc. ***Unfortunately, legal aid offices must turn away more than half of the people who request legal services.***
- If you have a criminal case and are determined to be eligible for a public defender or court appointed attorney, the court will appoint counsel on your behalf.

Independent Pro Bono Legal Services Providers (1 of 2)

- ▶ [CAIR Coalition](#) (Capital Area Immigrants' Rights) provides legal assistance for detained immigrants – adults and children – in the D.C. metropolitan area as well as training and support for immigrant advocacy groups and service providers. (202) 331-3320
- ▶ [Community Tax Law Project](#) (Provides free legal help to low wage families and individuals with tax issues) – (804) 358-5855
- ▶ [Fairfax Law Foundation](#) (Northern Virginia Pro Bono Law Center) Northern Virginia Pro Bono Center assists individual residents of Fairfax County, as well as Northern Virginia nonprofits.
- ▶ [Good Samaritan Advocates](#) (Faith-based legal aid organization providing no cost legal assistance to low-income individuals in the greater Washington, DC area) – (703) 534-5740, ext. 524 (Fairfax County) and (703) 404-5034 (Loudon County)
- ▶ [Greater Richmond Bar Foundation](#) GRBF's mission is to expand public access to the justice system in central Virginia by facilitating the delivery of pro bono legal services and service projects. Through its programs, GRBF helps the Central Virginia region with its priority needs for pro bono services and helps connect lawyers with pro bono clients. Two of GRBF's pro bono programs are Justice Server, a case management and referral system that enables private attorneys to accept and work on pro bono cases from their own computers, and the Pro Bono Clearinghouse, a referral service linking volunteer attorneys with nonprofit organizations in need of legal representation on a variety of transactional matters. (804) 780-2600

Independent Pro Bono Legal Services Providers (2 of 2)

- [LINC](#) (Provides legal, financial and community resources to individuals confronted with issues arising from the diagnosis and treatment of cancer) – (804) 272-5462 or (877) 644-5462 TOLL FREE
- [Virginia Bar Association](#) (VBA) assists Virginia service-members who are getting ready to deploy or are returning from deployment, find an attorney who will assist them or their family with their legal services needs on a pro bono or reduced fee basis. (804) 644-0041
- [Whitman-Walker Health](#) provides free legal services to its clients, people living with HIV/AIDS, and members of the LGBT community with public benefits, immigration, wills/powers of attorney/healthcare directives, and debt collection matters. (202) 939-7627
- [Hogar Immigrant Services](#) Its mission is to welcome the stranger by offering immigration legal assistance at a reduced rate to those who could not afford it otherwise. Hogar also hosts Naturalization Workshops every month. At each workshop, members of the Hogar Legal team, as well as trained attorney and non-attorney volunteers, are on hand to assist eligible legal permanent residents (LPRs) in completing naturalization applications. (703) 534-9805 or (571) 208-1572
- [Just Neighbors](#) provides immigration legal services to low income immigrants in the northern Virginia area. Clients must make 200% or less of federal poverty guidelines and must live in northern Virginia to qualify for services. Just Neighbors has a special emphasis on humanitarian-based immigration cases and does not take: removal/deportation cases, asylum cases, family-based petitions. Clients interested in our services can be screened by calling 703-979-1240 Tuesday – Friday 9 am – 5 pm.

Law School Pro Bono Programs

- ▶ **University of Richmond's Carrico Center:**
<http://law.richmond.edu/academics/skills/pro-bono/programs.html>
- ▶ **University of Virginia School of Law:**
<http://www.law.virginia.edu/html/publicserv/probono.htm>
- ▶ **William & Mary Law:**
<http://law.wm.edu/careerservices/currentstudents/probonoandpublicservice/index.php>
- ▶ **Washington and Lee Law:** <http://law.wlu.edu/students/service>
- ▶ **George Mason Law VBA Pro Bono Society:**
<http://www.law.gmu.edu/students/orgs/vba>
- ▶ **Regent Law Public Service:**
<http://www.regent.edu/acad/schlaw/careeralumni/publicservice.cfm#community>
- ▶ **Appalachian School of Law:** <http://www.asl.edu/JD-Program/Community-Service.html>
- ▶ **Liberty University Law:** <http://www.liberty.edu/law/experiential-learning/>



VIRGINIA LAWYER REFERRAL SERVICE (VLRS)

Sponsored by the

VIRGINIA STATE BAR

WHAT IS THE VIRGINIA LAWYER REFERRAL SERVICE (VLRS)?

The Virginia Lawyer Referral Service or VLRS is the consumer service department of the Virginia State Bar that assist the general public with obtaining legal services by connecting them to Virginia lawyers based on specific practice of law and required geographic Virginia locations.

WHO BENEFITS FROM THE VLRS?

- General public
- Businesses
- Other lawyers

HOW THE VLRS WORKS

If you think you have a concern or problem that may require the services of a lawyer, please call the Virginia Lawyer Referral Service (VLRS).

Your call will be answered by a Referral Specialist who will request your name, address, phone number, and a brief description of your problem. **Please be aware that the Referral Specialists are not lawyers, and are unable to answer legal questions or to provide any form of legal advice or opinion.**

If the service has a lawyer that meets your legal concerns, you will be given the name and telephone number of the lawyer in the city or county in Virginia requested who has an interest in handling your type of legal issue. The lawyer will be licensed and a member in good standing with the Virginia State Bar. You will then call the lawyer to schedule an up to 30-minute consultation. Any information that you provide will be strictly confidential.

INITIAL CONSULTATION:

- Up to 30-minutes or 1/2 hour
- In person or by phone
- \$35.00 Pre-paid Fee
- Legal advice and interview

IF YOU ARE REFERRED **TO A LAWYER:**

- You will be instructed to contact the referred lawyer to schedule your appointment.
- You are entitled to up to 30-minutes of consultation with the referred lawyer.
- You are under no obligation to hire or retain the referred lawyer after the initial up to 30-minute consultation.
- You are required to pre-pay the initial consult/administrative fee of \$35 at time of referral (receiving the lawyer's information) by Visa or MasterCard.

PREPARING FOR THE INITIAL CONSULTATION:

- Write a brief summary of your referred matter
- Have an idea of your goals or your wants for the outcome of the referred matter
- Have detailed questions that you need answered in regards to the referred matter
- Have additional paper and pen for taking notes and the answers provided to your questions for later review and possible actions
- Have interview questions for possible representation by the referred lawyer. Has the lawyer handled matters similar to what you have discussed? Are they available to assist you (long-term) with your issue(s)? What services will be provided? What will the fees or other cost be? Will he or she be handling your issues personally or will other lawyers be involved?
- If you have papers/documents involved in your matter, at time of scheduling the appointment, ask the referred lawyer if you could fax or e-mail the papers/documents prior to the meeting for his or her review
- Be on time

FOLLOW-UP MEETINGS AND COSTS

The initial up to 30-minute consultation may answer your questions and enable you to solve your problem. If your problem requires additional time and work, you will be responsible for any additional legal fees. The referred lawyer will be glad to discuss his or her fees and the cost of services beyond the initial consultation. However, there is no obligation for either you or the lawyer to go beyond the initial consultation.

If No Lawyer Referral Is Required

When you call the VLRS, the VLRS Referral Specialists will help you to determine if a referral to a lawyer is needed at that time. The VLRS Referral Specialist will help to direct you to alternate sources of information and assistance, i.e., State and/or Governmental Agencies, or Community and Private State programs.

FREQUENTLY ASKED QUESTIONS

WHAT DOES THE PRE-PAID \$35.00 CONSULTATION FEE COVER?

The \$35.00 fee, which is collected by the VLRS at time of referring, entitles the referred caller to an up to one half-hour (30 minute) consultation with a VLRS lawyer that is a VSB member in good standing. The up to one-half-hour consultation may be by phone or in person. There is no obligation on either party to go beyond the initial consultation.

The fee is collected by Visa or MasterCard, a pre-paid or gift card with a Visa or MasterCard logo, or a postal mail-in money order.

HOW SOON AFTER A REFERRAL IS MADE WILL THE CONSULTATION TAKE PLACE?

The VLRS asks that the referred caller allow at least 48 business hours after the initial contact with the lawyer's office for the lawyer to return the call and/or to schedule a phone or office appointment.

Is the referred caller entitled to an up to one-half-hour (30 minute) consultation with the VLRS lawyer, even if the referred caller is not interested in hiring the referred lawyer?

Yes. The \$35.00 pre-paid fee entitles the referred caller to an up to one half-hour (30 minute) consultation with the VLRS lawyer to address the referred caller's legal questions and concerns. The consultation is not contingent on representation by VLRS lawyer. Neither the referred caller nor the referred lawyer is obligated to go beyond the initial consultation.

IS THE VLRS LAWYER REFERRAL BASED ON INCOME ELIGIBILITY?

No. The VLRS will refer to anyone 18 years or older that wishes to consult with an lawyer that is a VSB member in good standing and that pays the pre-paid consult fee of \$35.00. Referrals to VLRS lawyers are made based on callers requested Virginia geographical location and requested area of legal practice.

VIRGINIA LAWYER REFERRAL SERVICE

1-800-552-7977

www.vsb.org/vlrs

Monday – Friday, 9:00a.m to 5:00pm

Virginia.freelegalanswers.org Logo




Virginia
Free Legal
Answers

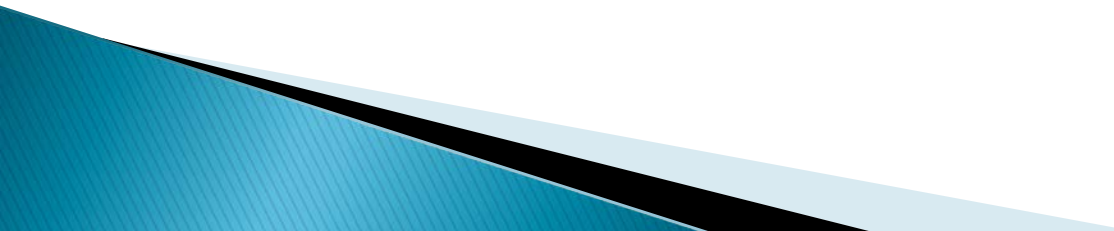
What is Virginia.freelegalanswers.org?

- ▶ *Virginia.freelegalanswers.org, <https://virginia.freelegalanswers.org>, is actually part of a new initiative undertaken by the ABA Pro Bono Committee to build and maintain a fifty state interactive website to provide online pro bono assistance to low-income citizens.*
- ▶ *To date, over 40 states, including Virginia, have signed up for the project.*
- ▶ *On August 22nd, the VSB launched a site on which low-income Virginians can log onto the internet, file legal questions and get answers to their questions from volunteer lawyers licensed in Virginia.*

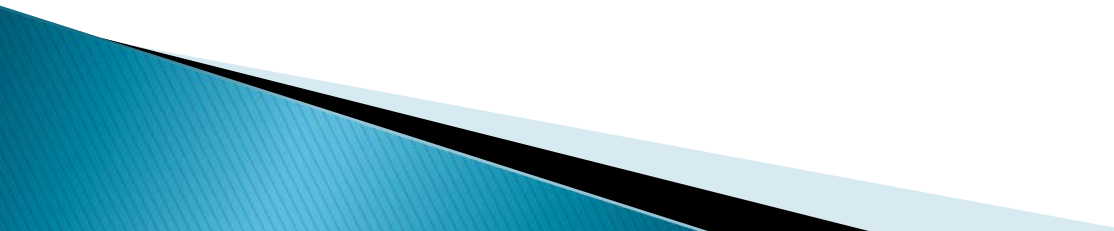
Where did this idea come from?

- ▶ *Tennessee was the first state to launch an interactive pro bono website (OnlineTennesseeJustice.org) six years ago as a collaborative effort of the Tennessee Alliance for Legal Services and the Tennessee Bar Association.*
 - ▶ *Since its inception, the Tennessee website has assisted over 11,000 clients and signed up over 500 lawyers.*
 - ▶ *Alabama, Indiana, Minnesota, South Carolina and West Virginia have also launched similar online pro bono websites using the Tennessee software.*
 - ▶ *In 2015, the Virginia Access to Justice Commission and the VSB Special Committee on Access to Legal Services recommended that Virginia should have a similar website hosted by the VSB.*
- 


The bottom line is....

- ▶ *While Virginia.freelegalanswers.org is not a substitute for full representation by a lawyer, it will increase the availability of legal resources and legal information to low income Virginians by providing users with convenient, 24 hours a day, 365 days per year access to lawyers who can answer their legal questions.*
 - ▶ *Users can access the service and pose questions from their smart phones or anywhere they can have access to a computer and an internet connection, such as a public library.*
- 

What assistance will volunteer lawyers be providing?

- ▶ *Lawyers who sign up for the website will provide limited scope pro bono legal advice to low-income persons.*
 - ▶ *Eligible clients may ask questions about and receive answers involving all types of civil legal problems.*
- 

What qualifies a client to use this service?

- ▶ *It is anticipated that access to the service would be limited to Virginia residents who have income levels of 250% of the federal poverty guidelines or less (or a household income of just over \$29,000 per year for a single adult), which is a bit higher than the threshold used by non-profit pro bono legal services providers.*
 - ▶ *When a prospective client logs on, they will answer series of questions regarding their income, residence and assets.*
 - ▶ *If they are determined to meet eligibility guidelines, then their question is placed in a queue for Virginia lawyers.*
 - ▶ *If they exceed eligibility guidelines, they will be advised accordingly and referred to other potential resources where they might receive legal assistance.*
- 


How does the website work?


- ▶ *The user will post a request for legal advice information and provide facts that will help the lawyer answer the question. Users will be able to go back to their posted question one time to add information.*
- ▶ *Lawyers, who are licensed and in good standing and registered for the service, review questions and are free to select and respond to a question based on applicable Virginia and/or federal law.*
- ▶ *The lawyer may ask for additional information before responding to the user's request. The user will have a choice to respond to that request or not. The attorney and user may engage in a dialogue concerning the question.*
- ▶ *If a lawyer responds to a user's request, the user will receive a written response through the website. The attorney closes the dialogue with their response.*
- ▶ *The VSB will periodically review the queue for unanswered questions and advise volunteer lawyers about questions still requiring a response. However, if no lawyer responds to a request after 30 days, the request will be removed and VSB will notify the user.*

National Page

Users select their state of residence here.

Free Legal Answers





Can't Afford a Lawyer?

Select the state where you live

Who Are We?

This website is available to residents of the United States with income levels less than two times the federal poverty rate. It will be available to eligible clients with all types of civil legal problems.

When clients log on, they will answer a series of questions. These questions will include income screens and will collect information regarding the residence of the prospective client.

Then, volunteer lawyers will log on, indicate the state in which they are licensed to practice law, and review and answer questions. The site will also have a reporting mechanism so that lawyers who are eligible for CLE credit in their state of licensure will be able to get that credit.

State Homepage

A Virginian who's never
used the site would
select "Get Started"

The screenshot shows the homepage of the Tennessee State Bar's legal services. The header includes the Tennessee State Bar logo, a 'Home' link, and links for 'Volunteer Attorney Registration' and 'Sign In'. The ABA logo is also present. The main banner features the text 'Get Free Legal Answers.' over a background of many hands raised. Below this are two prominent buttons: an orange 'Get Started' button and a blue 'Sign In' button. The 'How it Works.' section follows, detailing a four-step process: 1. 'See if you qualify' (Answer a few questions to see if you qualify to use this service.), 2. 'Ask a question' (Ask our volunteer attorneys a specific question about your civil legal issue.), 3. 'Check your email' (You'll receive an email telling you when your question receives a response.), and 4. 'Log back in' (See the response to your question; ask more questions.). The footer lists sponsors: American Bar Association, State Bar of Tennessee, Tennessee State Bar, and others, along with various policy links and a copyright notice for 2016 ABA.

Tennessee Home Volunteer Attorney Registration Sign In ABA AMERICAN BAR ASSOCIATION

Get Free Legal Answers.

[Get Started](#) [Sign In](#)

How it Works.

See if you qualify	Ask a question	Check your email	Log back in
Answer a few questions to see if you qualify to use this service.	Ask our volunteer attorneys a specific question about your civil legal issue.	You'll receive an email telling you when your question receives a response.	See the response to your question; ask more questions.

Site made possible by generous donations from:

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Clients -Ask a question page

To reach this page, clients complete:

- New client information page (name, email, county)
- New client information page OPTIONAL (requests demographic information)
- New client information page REQUIRED (age and income screening)

Ask a question

Kind of Problem

Please Select a Category

What is your question about? (e.g., Subject)

Ask your question here. And tell us any details that would help explain the problem.

File • Edit • Insert • View • Format • Table • Tools •

Paragraph

Words: 0

Enter a court date or legal deadline, if you have one

Tell us who you have a disagreement with

Is your conflict with a person or an organization?

- ☒ Person
- ☐ Organization (Business/Association/Government Agency)

Identify the people and/or organization that you are having a conflict with:

200 words remaining.


Submit your question

Save


Save & Close

Attorneys - Pick a question

When a client posts a question, it is sent to the queue of questions and attorneys can select which question they'd like answer.


Tennessee

thughes@tals.org



AMERICAN BAR ASSOCIATION

Available questions queue

Sort

Filter


Older than 25 days or pending legal deadline


Older than 10 days

Legal Deadline	Kind of Problem	Opposing Parties	Subject	Submitted		
<div>Older than 25 days or pending legal deadline</div> <div>Jun 1, 2016</div> <div>15 days left</div>	Special Education	John Adams High S...	IEP	May 9, 2016	8 days old	Preview
<div>Older than 25 days or pending legal deadline</div> <div>May 31, 2016</div> <div>14 days left</div>	Debts & Purchases	Davidson County C...	court fees when I didn't have a hearing	May 9, 2016	8 days old	Preview
<div>Older than 25 days or pending legal deadline</div> <div>May 24, 2016</div> <div>7 days left</div>	Family/Divorce/Custody	Rosalynn Carter	want to move my divorce to my county	May 9, 2016	8 days old	Preview
	Housing or Property Owned	Donaghey Court Ap...	Severe mold in apartment	May 9, 2016	8 days old	Preview
	Housing or Property Owned	Green Hill Real E...	ADA Compliance	May 9, 2016	8 days old	Preview
	Family/Divorce/Custody	Eleanor Roosevelt	child support modification	May 9, 2016	8 days old	Preview
	Family/Divorce/Custody	James Madison	can't find husband	May 10, 2016	7 days old	Preview


Attorney Responds

An attorney answers the question and decides if they will leave the queue open for additional questions or close the conversation.

 **Tennessee**


thughes@tals.org ▾ 


Home Question History Profile FAQ Training Resources Log My Hours

 DEBTS & PURCHASES
medical debt collections
Asked on May 11, 2016 at 1:47AM

Legal Deadline: May 25, 2016 | **Description:** deadline to pay reduced amount


Opposing Parties: Knox Debt Co.

 2 replies


Nayeli Chavez

Resident County: Fayette

Hi, I have a collection agency who is trying to collect an old medical dept. I asked if it was possible to pay a lesser amount. They said they would submit the offer. I call back an they gave me a lesser amount. I asked them if they could send me a debt settlement letter or something with the new amount on it. They refused to send me anything. I don't feel safe paying something like this over the phone. I just would feel safe if the new agreement amount was in writing. Is this legal? Can they refuse to send me anything stating the new amount? What should I do?


From You
May 11 at 1:48AM


You are absolutely correct in your suspicions. Do not pay the reduced amount without getting it in writing that it is a settlement of the complete amount owed. You need to get it in writing for it to be enforceable, otherwise they can still come after you for the balance.


Just as an aside how "old" is the debt? If it is very old, it could be beyond the statute of limitations and uncollectable.

[Reply](#)[Mark as Closed](#)


Client – Question closed


When an attorney closes a question, the client is notified that a question has been closed and is prompted to take a survey.

 Tennessee

nchavez@tals.org 


Home Profile FAQ


 HOUSING OR PROPERTY OWNED
rent question
Asked on May 10, 2016 at 6:16PM
Legal Deadline: June 1, 2016 | **Description:** next time rent is due
1 reply




can my up my rent without notifying me?

Nayeli Chavez

 **From the Volunteer Attorney**
May 10 at 6:38PM
response

 This question is marked as answered and is now closed.

 [Click here to take our client survey now. Tell us your thoughts on using this site.](#)



How To Work With Your Attorney and Get Your Money's\$ Worth



**What Are Some
Situations in Which
You Might Need An
Attorney?**

**How Expensive Is An
Attorney's Time?
ANSWER: VERY**

THE COST OF AN ATTORNEY

- Retainer (like a down payment for future work)
- Hourly rate (can be up to \$300-\$500 per hour)
- Incidental costs (copying, support staff, supplies)
- Court costs and filing fees (subpoena fees, witness fees)

SO THE COST CAN ADD UP FAST!

How will you be charged?

- By the hour?
- By the case?
- One rate for everything or different rates for different activities (like a rate for going to court vs. settling outside of court)?
- Charged for a full hour even if only part of an hour is used?



TIPS FOR SAVING MONEY ON YOUR LEGAL FEES

BEFORE YOU START

- Get all fee agreements in writing.
- Be clear about what you will be charged for.
- Will you be charged for just the attorney's time or her/his staff's time, too?
- What happens when the retainer runs out?
- What else will the attorney charge you for besides time spent working on the case? E.g., copying, office supplies, filing fees, witness fees.
- Can you get a refund on the retainer? Under what circumstances?

Tips for Saving Money

- Be prepared!
- Take time to think about what to say.
- Write notes and plan your main points.
- Ask up front what the best way is to lower costs.
- Be clear, to the point, direct.
- Keep detailed records to compare to the attorney's bills.

REMEMBER: TIME IS MONEY!

SOME ATTORNEYS BILL FOR EVERY PHONE CALL,
EVERY EMAIL, EVERY CONVERSATION. PLAN AHEAD!

Tips for Saving Money

- Store up several questions rather than calling every day with one or two questions.
- Find out what is the best way for the attorney to get your questions (Email? Voice mail? Talk to the staff?).
- Keep organized! Folders, binders, indexes, outlines.
- Always have a file of pertinent documents ready when speaking with the attorney.
- Set the reasonable expectations for communication. How long does it typically take until your phone/fax/email is answered by the attorney?



Tips for Saving Money

- Ask the attorney if you can save money by doing some of the footwork or research on your own. Find your own court documents, do some sleuthing.



TIPS FOR WORKING EFFECTIVELY WITH YOUR ATTORNEY



Tell the truth

- Everything you say to your lawyer is private, secret and confidential. Your lawyer can't properly represent you unless you tell the truth about everything.
- Nothing will ruin your case quicker than being caught in a lie, even if it is on a matter that does not seem "important" to the case. Your credibility is the most valuable tool you have.
- Answer questions directly. Your lawyer needs detailed information and direct answers to questions in order to best help you.



Listen to Your Lawyer

- Even if it is advice or information about the law that you don't want to hear, your lawyer knows the law and how it's likely to be applied to your facts and your case.
- Your Cousin Larry, Aunt Effie, or the guy on Law And Order are not legal experts. Their opinions on your legal issues are likely not as reliable as your trained professional attorney's opinions.
- Every case is different. Comparing your case to your neighbor's case is usually not helpful.



Ask questions

- You need to understand what the law in your case is, and what your lawyer is telling you. You also need to know what you and your lawyer are going to do next.
- Ask more about “what is” and less about “what if”. Your lawyer needs to focus on things that have happened and are happening, and not on things that may or may not happen. It is really hard to accurately predict outcomes.



Be organized

- Keep records. Letters, notices, contracts, leases, bills, receipts, court papers and other documents about your case are very important to your lawyer.
- Stay organized. Your papers aren't useful unless you can find the ones you need and show them to your lawyer.
- Bring your documents with you. If you come for a meeting, bring your papers. If you call, have your papers at hand and well organized when you call.



Keep your lawyer informed

- Provide key documents and information. If your lawyer asks you to get a specific record, it is important to your case and your lawyer needs it.
- Always provide updated phone/address/email.
- Tell your lawyer about changes in income, assets, developments in the case and important new facts or circumstances.



Time is money.

- Keep appointments. If something unexpected keeps you from an appointment, call in advance of the appointment to reschedule.
- Respect your lawyer's time. Your lawyer is busy and has many clients, with a tight time schedule. Use your limited time with the attorney wisely.
- Return phone calls/letters/emails from your lawyer promptly. Your lawyer will make every effort to return your call within a day or two. You should do the same.



Keep your eye on the prize

- Stay focused. Your lawyer will concentrate on what's most important to your case and not concentrate on what's least important to your case. You should do the same.
- Stay calm. No one asks for legal problems and very few people like dealing with them. But very little gets done when you are stressed, anxious, worried or overly emotional.

What do you want/need?

- Be realistic. Most legal disputes end in a settlement. Although you may not get everything you want, neither will the other side.
- Be forward looking. Your lawyer can't help you change your past, but she/he might be able to help you change your future.
- Be consistent in what you want. Once you decide what you want from a case, stick to it unless there is an extremely good reason to change.
- Be flexible. There are many ways to get what you want. Be willing to give up what's less important so you can get what's most important.



At court

- Listen and don't distract your lawyer. Your lawyer has to pay close attention to the witnesses, the judge and the other lawyers at trial. You should do the same.
- Bring a notepad and write down your comments and questions. Wait until the lawyer tells you it is OK to show him/her your comment/question.



Wrapping up

- When a case is over, ask for a copy of your file (and pay for the copies).
- Be sure to keep a copy of all important court orders and legal documents in a safe place.
- Keep notes, diary, timeline of everything that happens in your case, and when concluded, file those notes with the important papers so you have a record of everything that happened.

Did your lawyer screw up?

- Contact the Virginia State Bar to find out about filing a misconduct inquiry. (866) 548-0873
- Remember: just because you did not like the outcome of the case does not mean the lawyer screwed up.
- If you feel the lawyer did make a mistake, please report that to the Virginia State Bar. They will investigate all inquiries about possible attorney misconduct.

OPTIONS FOR SELF-REPRESENTED LITIGANTS

Options for Self-Represented Litigants

- Virginia Judicial System Court Self-Help Website – Gail Warren
- VALegalAid.org – Ann Kloeckner

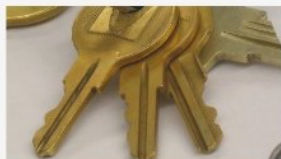
Virginia Judicial System Court Self-Help Website

- In June 2016, the Supreme Court of Virginia announced the availability of a new website for self-represented litigants in the Commonwealth. The Virginia Judicial System Court Self-Help Website at <http://selfhelp.vacourts.gov/>, provides neutral legal information in topical areas commonly sought by self-represented litigants, such as traffic tickets, divorce, and landlord and tenant issues.
- The website was created by the Committee on Access for Self-Represented Litigants of the Virginia Access to Justice Commission. Selfhelp.vacourts.gov features web responsive design that works on computers, smartphones, and other mobile devices. Content was drafted to meet guidelines for lower literacy and reading levels. The nominal annual cost of this service is covered by the Virginia State Law Library.
- At each topic, the reader will see a brief description of the area of law by way of a question and answer format. This information is not intended to take the place of advice from an attorney licensed to practice in Virginia — it is intended to provide basic information about the topic and links to other sources of helpful, reliable information, including state agency websites and legal services organizations' websites.



Virginia Judicial System Court Self-Help

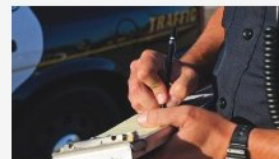
Resources for Self-Represented Litigants

[Self-Help Home](#)[Find a Lawyer](#)[Find a Mediator](#)[Find a Court](#)[Find a Case](#)[Find a Form](#)[Filing Fees](#)[Update Your Address](#)[FAQs](#)[Law Libraries](#)[Topics](#)[Virginia Judicial System Home](#)

Landlord - Tenant



Small Claims



Traffic Tickets

The aim of the Virginia Judicial System is to assure that disputes are resolved justly, promptly, and economically through a court system unified in its structures and administration.

How We Can Help You - Legal Information vs Legal Advice

Judges, court employees, and librarians must be neutral and impartial, and can give legal information. [Learn what this means](#). Only a lawyer representing you can give you legal advice.

VALegalAid.org

[VALegalAid.org](#)

Latest News

[Cell Phone & Electronic Device Policy](#)

June 9, 2016

[All News](#)

Topics

[Divorce](#)

[Small Claims](#)

[Custody, Visitation & S...](#)

[Traffic](#)

[Protective Orders](#)

[Glossaries](#)

Virginia Free Legal Answers



[Virginia.freelegalanswers.org](#) is a free, fast, and easy service for Virginians who cannot afford a lawyer. The site can be accessed from any device anywhere, even at your public library. There is no cost to you to post your question or to receive an answer.

Self-Help Website - Homepage

The site features glossaries of legal terms used in the district and circuit courts, instructions for routine processes, and informational videos, with the goal of making Virginia's courts more accessible for all citizens. In August, the site was updated to include a link to [Virginia.freelegalanswers.org](#), a project of the Virginia State Bar.

Topics / Custody, Visitation & Support

Custody, Visitation & Support

What is Custody, Visitation and Support?

Custody, Visitation and Support refers to the parenting time schedule and allocation of legal rights and responsibilities between parents.

Which court handles Custody, Visitation and Support?

The [Juvenile and Domestic Relations Court](#) handles the cases most often, although **parents must start the paperwork through their local Court Services Unit of the Juvenile and Domestic Relations (J&DR) Court**. For parents with a [Divorce](#) case, the [Circuit Court](#) could also handle custody and support (both spousal and child). See the [Divorce page](#) for more information.

If a custody, visitation or support matter is before the Juvenile and Domestic Relations (J&DR) Court, and a parent files for divorce in the Circuit Court, asking that custody, visitation and support be resolved in the divorce, and there is a hearing set within 21 days in the Circuit Court, the J&DR Court will no longer have jurisdiction to consider these matters, and the J&DR case will be dismissed. Typically, after the divorce is finalized, the Circuit Court "remands" (sends back) the case to J&DR court, and all further issues regarding custody, visitation and support will be filed in the J&DR Court. If you already have a court order from a J&DR court on custody, visitation or support, and you want that order changed, and are not involved in a divorce, you must file in the same J&DR court which entered the last order for the change.

What about mediation?

Where appropriate, families are encouraged to use mediation to come up with a custody, visitation or [support](#) plan that works best for them. See [Find a Mediator](#) or your local court to learn more. Once you have an agreement, it is finalized in court.

What resources exist to help parents develop a schedule



Print PDF Scan

Tweet Share Email

What is Custody, Visitation and Support?

Which court handles Custody, Visitation and Support?

What about mediation?

What resources exist to help parents develop a schedule that is in their children's best interest?

What does the court consider in ordering a custody and visitation plan?

What about paternity?

What about child support?

Child Support Forms

Other resources for child and spousal support

Self-Help Website – Custody, Visitation & Support Page

Each page also provides options for printing, viewing and saving the page as a PDF, and scanning the content — see the icons on the right side of the page. In some cases, there are links to relevant forms.

VALegalAid.org

- Go to www.VALegalAid.org , a website that can help you find civil legal information, including forms, and answers to legal questions in matters involving consumer, debtor rights, elder law, employment, family and domestic/sexual violence, housing, education, benefits, health, immigration, social security, tax, Temporary Assistance for Needy Families (TANF), and veterans/military.

Understand Your Legal Issue ▼

Find Legal Help ▼

Search



Understand your legal issue, solve your problem

VaLegalAid.org has information for civil legal issues.

Choose a topic below to get answers to your legal questions, find a legal aid office near you, court information, public forms and more.



+ Set your location

More Languages

Spanish / Español

Am I Eligible?

Go to [Site Help](#) to see whether you might be eligible for Virginia legal aid services. Virginia has nine legal aid programs and you can use the [find legal help page](#) to locate your local office.

If you have any question about your eligibility, you can call **1-866-LEGLAID (1-866-534-5243)** to reach your local legal aid office.

Do It Yourself Divorce

We have designed an online interactive interview to see if your circumstances might be appropriate for filing a divorce without an attorney. Click [here](#) to learn more and get started.

Enroll Virginia!

Individuals, families and small businesses can find plans that fit their needs and their budget. and nobody can be denied

Consumer



Identity Theft
Buying a Used Car
Consumer Credit
Counseling

More issues ▶

Debtors Rights



Attachment & Levies
Bankruptcy
Fair Debt Collection

More issues ▶

Elder Law

60+

Affordable Care Act
(ACA) Resources for
Seniors
Advance Medical
Directive
Assisted Living Facilities

More issues ▶

Employment



Employer Provided Health
Insurance
Family and Medical Leave
Act
Job Safety and Health
Protection

More issues ▶

Family and Domestic & Sexual Violence



Adoption
Divorce
Domestic and Sexual
Violence

More issues ▶

Housing



National Mortgage
Settlement
Evictions
Foreclosure Prevention

More issues ▶

More Issues: Criminal, Education, Food Stamps, Health, Immigration, Public Forms, Social Security, Tax, Temporary Assistance for Needy Families (TANF), Veterans/Military

View all issues ▶

VALegalAid.org - Homepage



Debtors Rights

Click on one of the **Subtopics** below for legal information, forms, service providers or information about the courts. If what you seek is not available, contact your local legal aid office or the [Virginia State Bar](#).

- [Attachment & Levies](#)
- [Bankruptcy](#)
- [Fair Debt Collection](#)
- [Foreclosure Prevention](#)
- [Garnishment](#)
- [Getting Sued for a Debt](#)
- [How a Creditor Can Collect a Judgment](#)
- [Other Consumer Issues](#)
- [Repossessions and Deficiency Judgments](#)
- [Surviving Debt](#)

[+ Set your location](#)

More Languages

[Spanish / Español](#)

Am I Eligible?

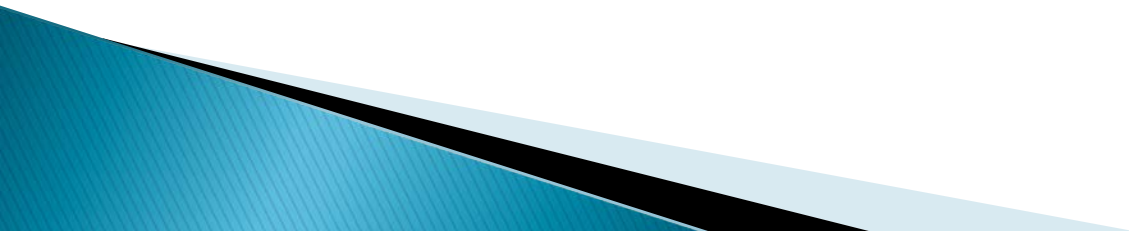
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Questions?



For More Information about Free and Low Cost Legal Resources

1. Visit the Pro Bono/Access to Legal Services pages on the VSB website (www.vsb.org),
2. “Like” the Virginia State Bar Access to Legal Services Facebook page (<https://www.facebook.com/Virginia-State-Bar-Access-to-Legal-Services-715445355256426/>), and/or
3. Contact Karl Doss, Director, Access to Legal Services (804-775-0522 or doss@vsb.org)