

**STATE OF NEVADA
AGING AND DISABILITY SERVICES DIVISION**

**SERVICE SPECIFICATIONS
LEGAL ASSISTANCE**

Any exceptions to these Service Specifications must be requested in writing and approved by the Deputy Administrator of the Aging and Disability Services Division.

PURPOSE:

To promote quality of service, the Aging and Disability Services Division (ADSD) has established service specifications that contain general guidelines. The service specifications that each grantee must follow consist of GENERAL REQUIREMENTS and PROGRAM-SPECIFIC REQUIREMENTS established for each type of funded service.

SERVICE DEFINITION:

This service provides assistance, consultation and representation in legal matters to maintain rights and improve the quality of life of older persons.

SERVICE CATEGORIES AND UNIT MEASURES:

The following service categories and unit measures must be used to document the amount of service provided:

Legal Assistance: Provision of legal advice, counseling and/or representation by an attorney or other person acting under the supervision of an attorney in the areas of law outlined in Attachment A. Only those areas of law listed are funded by grants from ADSD.

One unit equals one hour of legal assistance.

GENERAL REQUIREMENTS:

- A. Legal services must be provided by, or under the direction of, an attorney admitted to and in good standing with the State Bar of Nevada pursuant to SCR 49 et seq. and in accordance with the rules of professional conduct pursuant to SCR 150 et seq.
- B. A policy shall be written and implemented concerning conflict of interest. This policy shall include a statement that attorneys are prohibited from privately representing any Legal Assistance client while the attorney is employed by, or under contract with, the Legal Assistance program. The policy may include a provision prohibiting representation for a period of one year after termination of employment or contract.
- C. Legal Assistance providers must maintain malpractice insurance, or be underwritten by a program sponsor approved by the Aging and Disability Services Division, in an amount sufficient to cover any and all potential liabilities, but in no event for an amount less than \$500,000 per single occurrence and \$1,000,000 aggregate.

SPECIFICATIONS:

1. Required Services:

1.1 Provide service to older individuals who are unable to travel to the legal office in the areas of law indicated in Attachment A. A written plan for outreach must be established for the provision of service to homebound individuals, nursing home residents, group care home residents and the vulnerable elderly. A report on outreach activities must be sent to the Legal Services Developer by July 30 of each year. The report will contain:

- 1.1.1 Type of service;
- 1.1.2 Location of service;
- 1.1.3 Outcome.

1.2 The Legal Assistance program shall conduct educational presentations to organizations and individuals concerning senior issues. Presentations shall include education on the rights of older individuals and how to protect those rights, as well as information about services provided by the Legal Assistance program. A report on educational presentations must be sent to the Legal Services Developer by July 30 of each year. The report will contain:

- 1.2.1 Number of presentations;
- 1.2.2 Names of organizations;
- 1.2.3 Date of presentations;
- 1.2.4 Number of attendees;
- 1.2.5 Location of presentations;
- 1.2.6 Subject of presentations; and
- 1.2.7 Outcomes.

2. Service Prohibitions:

2.1 In addition to the service prohibitions listed in the General Requirements, legal assistance programs are prohibited from accepting cases that generate fees or handling criminal cases.

2.2 Does not include funding for *guardian ad litem* services.

3. Documentation:

3.1 A report on legal services provided must be sent to the Legal Services Developer by July 30 of each year. The report will contain:

- 3.1.1 The types of cases handled (see Attachment A);
- 3.1.2 The numbers of each type of case;
- 3.1.3 The number of hours spent on each type of case;
- 3.1.4 The location(s) of each type of case;

- 3.1.5 The average age and income of the clients for each type of case; and
 - 3.1.6 Outcomes.
 - 3.2 The Legal Assistance provider will include in the report due on July 30 each year a list of legal services requested but not provided, and the reasons for not providing the service.
 - 3.3 Records of all open cases shall contain a sufficient documentation of the issues involved, rule or rules of law that apply, analysis undertaken and conclusions derived. If case records are electronic, there should be sufficient information in the client file to allow access to the electronic record.
 - 3.4 Documentation shall be maintained, which annually verifies that each attorney is a member in good standing of the State Bar of Nevada.
- 4. Operating Procedures:
 - 4.1 Legal Assistance attorneys must establish written protocols for paralegals to utilize when conducting interviews, and procedures for proper oversight by the attorney of the paralegals' work.
 - 4.2 Legal Assistance program staff must establish a written list of legal resources for client referrals. The list must include Lawyer's Referral Service, pro bono, reduced-fee and legal service practitioners in specific areas of legal expertise. A referral policy will be established, which at a minimum includes:
 - 4.2.1 A "no favoritism" referral approach to rotate providers when there are more than one;
 - 4.2.2 A procedure for adding and removing resources from the list; and
 - 4.2.3 A procedure to document referrals in client files.
 - 4.3 A policy shall be written and implemented to assure that the conduct of each employee is compatible with the professional obligations of Legal Assistance attorneys and the delivery of legal services. The program must notify the Aging and Disability Services Division within three business days if any attorney has been reported to the State Bar of Nevada for misconduct and the conclusions of the Bar, including disciplinary actions.
 - 4.4 Legal Assistance providers shall develop a system for tracking assistance, causes and cases to ensure that deadlines are met in a timely fashion and to maintain this information in a database form. It is recommended that the database include client name, nature of the case, calendared events, outcome and referrals, as well as any other pertinent information.

ATTACHMENT A LEGAL ASSISTANCE PRIORITIES

Area of Law	Priority Issues
1. Consumer Matters	Consumer debt, consumer fraud, contract disputes, billing disputes, information regarding small claims actions, debt collection and protection of assets.
2. Health	Long-term care facilities including discrimination, improper discharge and inadequate care. Medicaid including hearing. Private insurance matters.
3. Individuals Rights	Civil rights, disability rights, employment rights.
4. Housing	Foreclosure, Homeowner's Association issues, landlord/tenant, public housing, Fair Housing Act rights.
5. Income	Food stamps, Social Security, Supplemental Security Income, Unemployment benefits, Veterans' benefits, private pensions.
6. Family	Elder abuse, guardianship, name change, grandparent's rights.
7. Employment	Discrimination, taxes, wage claims.

NOTE: No more than 10% of ADSD funding from each grant can be used to fund provision of advanced directives including wills and powers of attorney, and including management of pro-bono and reduced fee programs.