

STUDENT LEGAL SERVICES PLAN

I. Statement of Purpose.

The Board of Trustees of the University of Illinois has determined that the students at the Urbana-Champaign campus perceive there is a need for a program whereby students will receive legal counseling and advice, become better informed regarding legal procedures available to them as individuals, be put in contact with attorneys who may represent them individually and in litigation on housing problems as needs arise, and, if indigent, receive certain additional legal services at low cost. A pilot program will assist in the development of a long-term program for student legal services. One of the objectives of the pilot program for Student Legal Services will be to determine whether law students should participate in the program as paralegals under the supervision of a licensed attorney. The Student Legal Services Program will be established on the Urbana-Champaign campus for a two-year trial period consistent with the guidelines stated in this Student Legal Services Plan, as it may be amended from time to time by The Board of Trustees.

It is to be clearly understood that The Board of Trustees of the University of Illinois, a public corporation, does not and will not engage in the practice of law but merely wishes to provide the opportunity for students to receive counsel and assistance from an independent attorney as a service to indigent students and as a program for the educational enrichment of all students. The opinions, views, and actions of the Students' Attorneys are not those of the University and shall not create any responsibility or liability for the University.

II. Status of Attorneys Who Provide Legal Services to Students.

The Attorneys who provide legal services to students under this Program shall be known as the Students' Attorneys. They shall be retained annually under contract with The Board of Trustees and shall have the status of independent contractor and not employee of the University. The Students' Attorneys shall work full time in the performance of their duties, except on campus holidays and allowable vacations. The contracts of employment shall state the duties of the Students' Attorneys, the amount of money to be paid to them by the University for performance of those duties, and shall identify support services (such as secretarial assistance) and types of expense (such as telephone) to be paid by the University within the budget allocated to the program. Each contract shall terminate on August 20 of each year and may also be terminated by either party upon 30 days' written notice to the other for substantial breach of its terms. The attorneys who hold this position shall be admitted to practice law in the State of Illinois. The scope of their activities will be limited to those matters specified in the contract of employment. The Students' Attorneys must understand that the performance of their duties will involve the Students' Attorneys in an attorney-client relationship, and that they will be dealing with student clients in their individual capacities as lawyers and not as employees of the University.

The University Counsel with the concurrence of the Chancellor shall be responsible for recommending to The Board of Trustees the selection of any Student's Attorney from a list of attorneys prepared by the Student Legal Services Advisory Board and shall also be responsible for administration of the contract as well as recommending the termination or nonrenewal of contract of any Students' Attorney. The University Counsel shall report at least annually to The Board of Trustees of the University of Illinois regarding the policies and operations of the program for Student Legal Services and the conduct of the Students' Attorneys, and may require the Students' Attorneys to make such written or oral reports as the University Counsel believes in his sole discretion to be appropriate.

III. Eligibility of Students.

All persons who are enrolled as students at the Urbana-Champaign campus of the University of Illinois and have not received a refund of the Student Resource Fee are eligible to receive information under the Student Legal Services Program for their educational enrichment and to be informed of the practical aspects of the law as applied to individual problems. They are eligible to receive assistance of the Students' Attorneys, including litigation services, in resolving housing problems which may arise while they are acquiring an education at the Urbana-Champaign campus and legal advice and counseling which will assist them in maintaining a good academic environment.

In addition, all indigent students who have not received a refund of the Student Resource Fee are eligible to receive litigation services and law office services authorized in Paragraph VI-C of the Student Legal Services Plan.

However, the Students' Attorneys shall exercise independent professional judgment in deciding, on the merits of any particular matter, whether legal services will be given to an eligible student in that matter.

IV. Student Legal Services Advisory Board.

The Chancellor shall appoint nine persons to serve as the Student Legal Services Advisory Board. The Board shall consist of five students, one University administrator, one member of the Law Faculty nominated by the Dean of the College of Law, one person nominated by the University Counsel, and one member of the Champaign County Bar Association nominated by the Board of Governors of that Bar Association. The Chancellor shall designate one of the Advisory Board members to serve as Chairman of the Board. The Student Legal Services Advisory Board shall:

- A. Meet at least once during each month of the academic year and at other times fixed by the Advisory Board Chairman.

- B. Prepare a list of attorneys for the purpose of hiring any Students' Attorney and submit that list to the Chancellor and University Counsel.
 - C. Promote student awareness of the Student Legal Services Program.
 - D. Prepare office forms to be used in determining whether a person is eligible for receipt of Student Legal Services.
 - E. Advise the Students' Attorney, when appropriate, regarding eligibility of a student to receive legal service or whether legal service should be given in a particular matter.
 - F. Explore the possibility of law student participation in the Student Legal Services Program and, if approved, cooperate in the development of such law student participation.
 - G. Monitor on a continual basis, the operations of the Student Legal services Program to assure compliance with the policies, rules, and regulations of the University of Illinois.
 - H. Advise the Students' Attorneys and university officers, when appropriate, regarding operations of the Student Legal Services Program and make recommendations regarding the Program's finances.
 - I. Advise the University Counsel and Chancellor when requested, and at least annually, of the status and progress of the Student Legal Services Program.
- V. Method of Payment for the Program.

Expenses of the program for Student Legal Services will be paid from Student Resource Fees collected by the University and deposited in the University Treasury. Any student who does not wish to contribute the Student Resource Fee may, within a specified period of time after registration, apply for a refund of that fee. The contractual payments of the Students' Attorneys shall be paid in 12 equal monthly installments. Other expenses of the Student Legal Services Program will be paid by the University under normal business procedures.

VI. Functions of the Students' Attorneys.

- A. Nature of Advice to Individuals. The Students' Attorneys will assist only eligible students on the Urbana-Champaign campus who seek aid and advice and shall limit their assistance to subject matter authorized by this Plan. In the course of conducting interviews and other legal assistance activities the attorneys, when appropriate, will notify

persons that they are giving advice solely in their individual capacities as lawyers and that the views or opinions expressed by them are not those of the University. The Students' Attorneys will give advice regarding small claims procedures, provide complaint forms for Small Claims Court, and advise students as to the manner in which to present their cases, advise students regarding services provided by the Public Defender or the County Bar Association Lawyer Referral Services, assist the students in preparation of documents to prove indigency, will assist the students in resolving disputes over local financial obligations and housing problems, and will give other legal representation to individual students which will educate them regarding practical aspects of the law or assist them in maintaining a good academic environment.

- B. Preventive Law Activities. The Students' Attorneys will furnish students with general information concerning management of their personal affairs under the law. The design of this assistance is to educate the student body and to enable individuals to avoid legal difficulties and promote greater concentration on academic pursuits. To this end the Attorneys may provide information to The Daily Illini or other publications in order to educate members of the student body as to their rights and responsibilities; and may speak to groups of students upon request and arrange speakers on practical aspects of the law as the need arises. The Students' Attorneys will make available to students the various informational pamphlets published by the Illinois State Bar Association, other bar associations, and other appropriate items.
- C. Legal Services for Indigent Students. The Students' Attorneys may perform legal services for indigent students which are not prohibited by the Attorneys' Contract of Employment or Article VII of this Student Legal Services Plan. For this purpose a student will be regarded as indigent who:
- 1) receives financial aid (grant, scholarship, student loan, or employment) on a need basis through the University of Illinois, or
 - 2) does not have financial resources for the academic year (funds on hand at beginning of academic year plus earnings, grants, and family contributions received and to be received during the academic year) in excess of the amount required for the Modest but Adequate Budget published by the Office of Student Financial Aids of the University of Illinois, or
 - 3) is found by the Advisory Board to have insufficient funds to hire a private attorney.

D. Liaison with Local Bar Associations. The Students' Attorneys will establish and maintain liaison with appropriate members of the Champaign County Bar Association in order to secure local support for the program and to facilitate effective and prompt handling of referrals. Referrals shall be coordinated, to the extent possible, with the policies and activities of the Champaign County Bar Association Lawyer Referral Services. The Students' Attorneys shall not accept a fee from any source for referrals or function as counsel regarding a matter which has been referred and accepted by other counsel.

VII. Limitations on Activities of the Students' Attorneys.

- A. Actions or claims against the University, the State of Illinois, its Boards and Agencies. The Students' Attorneys are precluded and restricted from acting as attorney in the prosecution of any action or claim against The Board of Trustees of the University of Illinois or any of its trustees, officers, or employees, the University of Illinois Athletic Association and its employees, the University of Illinois Foundation and its employees, the University Alumni Association, and the State of Illinois, its Boards, Commissions, Agencies, or employees, or otherwise assisting in the prosecution or support of any such action or claim which arises from the action of the individual as a result of the relationship with the University, Athletic Association, Foundation, Alumni Association, and the State of Illinois, its Boards, Commissions, Agencies, or employees, or otherwise assisting in the prosecution or support of any such action or claim which arises from the action of the individual as a result of the relationship with the University, Athletic Association, Foundation, Alumni Association, the State, its Boards, Commissions, and Agencies.
- B. Ordinarily, the Students' Attorney will not advise or represent a student bringing a cause of action against another student.
- C. Drafting Instruments and Searching Titles. The Students' Attorneys shall not draft deeds of trust, real estate mortgages or deeds, leases (except for subleases), partnership agreements, articles of incorporation (including not-for-profit corporations) inter vivos trusts, wills, or similar documents; nor shall they examine abstracts of title, titles to real estate or other similar documents for purposes of rendering an opinion on the legal sufficiency of such title. They shall not draft instruments for use in connection with the probate of estates nor prepare individual, partnership, or corporation Federal, State, or municipal tax returns. However, they may give advice on individual tax problems.

- D. Appearance in Court or before Administrative Agencies. The Students' Attorneys shall not appear in person or by pleading before administrative tribunals or governmental agencies, before domestic or foreign civil courts, unless the litigation involves student housing or the student client has been determined to be indigent as defined in this Student Legal Services Plan. In criminal matters the Students' Attorneys will not handle any case beyond a reasonable period of time required by the eligible student to obtain the services of another attorney unless the student client meets the definition of indigency. The Students' Attorney will not enter an appearance in any felony case without the consent of the Advisory Board. The Students' Attorneys may advise any student regarding academic hearings or disciplinary proceedings of the University and may enter an appearance in such proceedings.
- E. Communications. The Students' Attorneys may communicate on behalf of clients, but no such communication shall purport to represent the position of The Board of Trustees of the University of Illinois, the University of Illinois Foundation, the University of Illinois Alumni Association, the University of Illinois Athletic Association, The State of Illinois, or any of their employees. All written correspondence from the Students' Attorneys shall appear on letterhead stationery which clearly indicates that the Students' Attorneys do not represent The Board of Trustees of the University of Illinois, and verbal communications by the Students' Attorneys shall include a statement to the same effect where appropriate.
- F. Domestic Relations. When dealing with domestic relations problems, the Students' Attorneys shall restrict their assistance to the legal aspects of those problems. They should make referrals to University or community organizations for domestic relations counseling when appropriate.
- G. Students' Income-Producing Activities. The Students' Attorneys shall not provide legal services in any manner connected with the business activities or income-producing activities of any eligible person.
- H. Contingent Fee Matters. The Attorney shall not give any advice, representation, or counsel in any situation which, by local bar custom and practice, is recognized as a contingent fee matter unless such claim is a "Small Claims" matter as defined by Court rules and practice.
- I. Nondiscrimination. The program for Student Legal Services shall be operated in compliance with University of Illinois policy and rules regarding nondiscrimination.

J. Professional Ethics. In discharging their responsibilities in connection with the Student Legal Services Program the Students' Attorneys will adhere scrupulously to the canons of professional ethics. The Students' Attorneys shall not accept any remuneration of any kind for legal services rendered, other than payments received pursuant to contract with The Board of Trustees of the University of Illinois.

Approved by The Board of Trustees
June 21, 1978

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Retyped August 6, 1986