

APPENDIX A

J. REUBEN CLARK LAW SOCIETY PRO BONO LEGAL SERVICES PROGRAM

PRIESTHOOD LEADER GUIDELINES

1. *Do not pass judgment on the merits of any legal matter. Refer members to an attorney.*
 - Refer members to community legal resources if available for the particular matter.
 - If community legal resources are not readily available, the Priesthood leader may – after assessing whether the member qualifies for welfare assistance as described in the Church Handbook of Instructions – approve a referral to the JRCLS Pro Bono Program. The Priesthood leader then contacts the Pro Bono Coordinator for a referral to a Volunteer Attorney.
2. *Assign, as appropriate, a member of the Ward Welfare Committee, home teacher, or other responsible person, responsibility to contact the local JRCLS Pro Bono Coordinator to refer the needy person to the JRCLS Pro Bono Program for legal assistance. The person assigned should be willing: (1) to make the initial contact to the volunteer attorney if requested by the Pro Bono Coordinator; (2) to assist the needy person gather necessary information and documentation needed by the attorney; and (3) to assist the person arrive on time to the appointment with the volunteer attorney.*
3. *Once the member retains an attorney, never encourage or attempt to control the progress or termination of services by the attorney. Do not comment on the attorney's competence or the quality of advice rendered.*
4. *Do not attend conferences or participate in telephone calls between the member and attorney.*
5. *Do not communicate with the attorney in any way substantively related to a referred matter.*
 - Priesthood leaders (or a person assigned by the Priesthood leader) may: (1) coordinate appointments with the attorney's office; (2) prior to the client's initial meeting with the attorney, communicate to the attorney the general subject matter at issue; (3) assist the member negotiate a reduced fee or *pro bono* agreement for the attorney's services; and (4) provide other logistical support as necessary.
 - Priesthood leaders must maintain members' confidences.
 - There may be times when it will be necessary for a Priesthood leader to talk with a member's attorney (for example, when the legal matter bears upon an ecclesiastical matter being handled by the Priesthood leader). In those situations, the Priesthood leader should contact the Office of General Counsel for approval and it might be advisable to

obtain written consent of the member/client to have such discussion. The Office of General Counsel can advise you on the advisability of a written consent.

6. *Never align, legally, on one side or another of any sort of abuse matter or of adversarial matters. Scrupulously comply with the guidelines stated in Church Policies—Legal Matters, Book 1 of the Church Handbook of Instructions (1998):*

“To avoid implicating the Church in legal matters to which it is not a party, leaders should avoid testifying in civil or criminal cases reviewing the conduct of members over whom they preside. A leader should confer with the Church’s [Office of General Counsel] or the Area Presidency:

1. If he is subpoenaed or requested to testify in a case involving a member over whom he presides.
2. Before testifying in any cases involving abuse.
3. Before communicating with attorneys or civil authorities in connection with legal proceedings.
4. Before offering verbal or written testimony on behalf of a member in a sentencing hearing, parole board hearing, or probationary status hearing.

Priesthood leaders should not try to persuade alleged victims or other witnesses either to testify or not to testify in criminal or civil court proceedings.”

7. *Priesthood leaders may provide financial assistance from Church funds for attorney fees and costs only in nonadversarial matters, such as matters regarding legal status or immigration, social security, disability benefits, or uncontested estate planning matters.*

- Do not provide Church monetary assistance in adversarial matters (*i.e.*, disputed matters between or among individuals or nongovernmental entities, including domestic disputes, landlord tenant disputes, debtor-creditor disputes, or criminal defense), unless specifically approved by the Church’s Office of General Counsel.
- When giving monetary assistance, provide in writing a maximum support figure to the attorney to prevent inflated expectations. Priesthood leaders may consult with a Pro Bono Coordinator regarding the types of expenses to be expected in particular matters for purposes of this assessment. Priesthood leaders may revise the maximum support figure if the member demonstrates changed needs.