

## **ATLANTA LEGAL AID SOCIETY CASE PRIORITIES**

It is the policy of the Atlanta Legal Aid Society to handle the most pressing civil legal needs of low income persons, which cannot be handled adequately through alternative resources, or through client self-help, and which are not prohibited by law or by the lawful mandates of its funding sources. General Case Priorities which outline the general catalog of cases we handle are set out in I below

Because number of income eligible clients who meet the General Case Priorities still exceeds the program's resources, it is also the policy of the Society to screen each individual case which falls within these general priorities, and to weigh certain factors which make the case more or less appropriate for the Society's staff to handle with full representation. The factors considered in determining which cases to accept for such representation are set out in II.

There may also be circumstances in which staff may accept cases not within the program's General Case Priorities, and they are set forth in the Emergency Exception Policy contained in III.

### **I. Case Priorities**

#### **A. General Case Priorities**

##### **Consumer Rights:**

including cases of consumer debt, credit, fraud, or deception; contracts; and bankruptcies needed to protect the client's important consumer rights.

##### **Domestic Relations:**

including cases of custody and support of children; protection from violence, abuse, neglect; other cases involving significant benefit to the client.

##### **Education:**

including cases involving rights to appropriate education, especially education for students with disabilities, and school discipline.

##### **Employment:**

including cases involving wage claims, contracts, public employment, pensions, or federal employment statutes.

##### **Health:**

including cases involving access to and maintenance of decent, appropriate and affordable mental and physical health care, including rights to publicly subsidized care.

Housing:

including cases about access to, and retention of low cost decent, safe and sanitary, or supportive housing; housing conditions; public and federally subsidized housing; foreclosures; prevention of homelessness and other cases involving significant benefit to the client.

Individual rights:

including cases involving individual rights, rights of juvenile detainees, wills and probate, advance directives, medical powers of attorney, and guardianships and commitments.

Income Maintenance:

including cases of administrative and/or judicial appeals to denials, terminations, and reductions in public benefits and services.

Special Populations Cases:

cases involving the special needs of a particular client population.

## **II. Factors Considered in Case Acceptance**

The legal needs of income eligible clients seeking help from Atlanta Legal Aid greatly exceed the program's resources. For this reason, even those cases which fall within the program's general case priorities must be further screened to determine which are most appropriate for program staff to handle. This means that before accepting a case for full representation, staff must assess such factors as alternative resources, availability of staff and other program resources, likelihood of success, potential impact upon the client, and potential impact upon the larger client community.

Specifically, staff consider and weigh such factors as these:

### **A. Alternative Resources, Program Resources**

1. Are there adequate alternative resources, such as low cost legal service, legal service with contingency fee arrangements, pro bono legal service, alternative dispute resolution, or non-legal counseling?
2. Does the client have the ability to represent himself or herself, or have other ways to avoid significant harm without representation?
3. Does the Society have the expertise and/or resources to handle the case?

4. Is there an adequate, free or low cost, non-legal alternative resource for handling the client's problem?
5. Does the case involve a particular population for which special funding has been accepted?

#### B. Nature of Particular Case or Client

1. The case has already gone through a significant amount of litigation or administrative adjudication, and significant issues in the case have already been determined.
2. The case involves simple issues and/or small claims, and the client is able to represent himself or herself.
3. The case has a low chance of success on its merits.
4. The client is unwilling to assert the legal claims available.
5. The client has demonstrated significant lack of cooperation in the process of intake, or in past cases handled by the Society on his or her behalf.
6. There is immediate need for action.
7. There are unusual and important legal issues involved.
8. By virtue of language, or by virtue of mental or physical disability, the client is not capable of representing him or herself, or of otherwise avoiding the harm of not being represented.
9. There are other compelling circumstances.

#### C. Impact of Case on Client or Community

1. There is little or no economic effect on the client or the client's family, and the case does not involve physical safety or custody of children.
2. There is significant potential harm to the client.
3. In addition to impact upon the individual client, there is potential for significant impact upon other low income people.

### **III. Emergency Exception Policy**

Staff may accept a case not within the Society's general case priorities, if the potential harm to the client is imminent and great. The Executive Director shall be informed of any such case taken, and of the specific basis for the exception. On a quarterly basis, the Director shall report to the Board of Directors of the Society about any cases taken under this "emergency exception" policy.

Approved by the Priorities and Eligibility Committee of the Board of Directors on January 14, 2021.

Approved by the Board of Directors January 28, 2021.