

## **NON-LSC ELIGIBLE CLIENTS AND CASES COMMON CASE TYPES AND REFERRAL SUGGESTIONS**

Revised October 1, 2004

**REMEMBER** -- LSC-funded programs can conduct an intake interview and provide a referral for all these applicants for service. However, LSC-funded programs cannot "accept" these cases as program cases or count these cases in CSR statistics. LSC programs should mark these cases as "rejected". However, referrals can be counted for matters reporting purposes.

**REMEMBER #2** -- MPLP is subject to the LSC restrictions and cannot accept non-LSC cases for representation. However, MPLP can assist you in referring these cases to non-LSC providers, including both non-profit programs (such as the University of Michigan Law School Clinical Law Program, Michigan Legal Services, Lakeshore Legal Aid, Michigan Migrant Legal Assistance Project, and the Center for Civil Justice) and pro bono lawyers (primarily through the MI-LAPP program).

### **1. Non-LSC Eligible Immigrant**

**REMEMBER** – Many non-citizens are eligible for services under the LSC regulations, 45 CFR 1626. Programs should carefully screen non-citizens for eligibility and should provide services to eligible non-citizens.

#### a. Non-LSC-Eligible Migrant Farmworker

Michigan Migrant Legal Assistance Project is funded to provide representation to these clients.

#### b. Non-LSC-Eligible Non-Farmworker

##### i. With Immigration Related Problem

There are two main types of resources available for these clients-- several of the diocese have immigration assistance legal programs, e.g., the Archdiocese of Detroit; in many areas of the state there are either non-profit immigration advocacy programs or general immigrant services organizations (e.g., ACCESS or LASED in Detroit).

ii. With Other Legal Problems

The general immigrant services organizations listed in (1)(b)(i) above provide some services. In smaller communities, programs need to locate a non-profit organization or a pro bono lawyer who will provide advice and/or representation for these clients in priority cases.

**2. New Client in a Prison or Jail**

a. With A Problem Related To Prison Or Jail Conditions

After recent federal and state "reform" laws, there are very few resources available for these clients. The ACLU and the University of Michigan Clinic accept a limited number of cases based on merit. The federal court pro bono panel accepts a limited number of cases. The American Friends Service Committee provides advice, support, and non-litigation advocacy.

b. With Other Legal Problems

The cases in this category that should be referred are cases that would otherwise be legal services program priority cases except the client is in jail or prison. These cases should be referred to local non-profit organizations or pro bono lawyers.

**3. Public housing client being evicted for drug related criminal activity.**  
(Note: Before referring you should carefully check to see if any household member is eligible under the regulation.)

These cases should be referred to local non-profit organizations or pro bono lawyers.

**4. Individual client raising a challenge to "welfare reform".** (Note: Legal services programs can represent these clients as long as they are directly and personally affected by the law or rule.)

The state (Michigan Welfare Rights Organization) or a local welfare rights organization may be available to advocate on policy issues at the administrative level. UMLS Clinic, Michigan Legal Services, and the Center for Civil Justice are willing to consult on these cases and to accept referrals of appropriate cases.

**5. Attorney's fees.**

a. Fair Housing Cases

In many areas of the state, there are active Fair Housing Centers who will accept referrals of these cases. In other areas of the state, programs should consider a referral to the MI-LAPP program or to a local pro bono lawyer.

b. Civil Rights Cases

See (5)(A) above. The ACLU has a statewide network of pro bono lawyers that can assist in cases raising significant constitutional issues.

c. Employment Cases

Many employment cases (e.g. Elliott-Larsen and Title VII) will be accepted by private lawyers on a contingent fee basis. Programs should develop local referral panels for these cases. The Sugar Law Center accepts WARN Act (plant closing) cases.