



# LAFLA Volunteer Policies and Confidentiality Agreement

Welcome to Legal Aid Foundation of Los Angeles (LAFLA). We greatly appreciate your time and energy helping us increase access to justice in Los Angeles.

This document explains various policies with which you must be familiar. When the document refers to a volunteer that includes attorneys, interns, externs, law clerks, and all other variations of people not hired as staff.

As a volunteer in a law firm, you have certain special responsibilities, including the ethical duty to protect client confidentiality. You must also respect the confidentiality of staff and your fellow volunteers.

Please also remember that this is a non-profit and our resources are limited. Volunteers must be sensitive to the demands on networked resources and the cost of operating equipment, especially printers.

You must report the hours that you volunteer to your supervisor. This helps us increase our funding and allows us to confirm that you volunteered with us.

This packet contains the following policies:

1. Duty of an Attorney in California
2. Drug-Free Workplace Policy
3. Non-Harassment Policy
4. Technology Use Policy
5. Attendance Policy
6. Time Reporting Policy
7. Dress Code Policy
8. Volunteer Information Policy
9. Confidentiality Agreement

Please direct any questions or issues that arise under these policies to your supervisor.

## **1. Duty of an Attorney in California**

California law states, “It is the duty of an attorney to maintain inviolate the confidence and at every peril to himself or herself to preserve the secrets, of his or her client.” Cal. Business & Professions Code §6068(e). This is an ethical duty—it is much broader than the evidentiary protection for attorney-client confidential communications. Unless a client consents, an attorney must not reveal any information relating to the representation of a client.

The duty applies to an attorney and all of the attorney’s employees and volunteers. You should consider everyone who applies to LAFLA for legal assistance a client for the purposes of the duty of confidentiality. You are bound by this duty even when you have finished volunteering with LAFLA. The duty protects both information received directly from the client and all other information relating to the representation of a client that is not public record.

Confidentiality is crucial to building the relationship of trust necessary between advocates and clients. Clients must know that they can discuss all their legal issues and the supporting facts, including those facts that might be embarrassing or even incriminating.

In addition to the legal duty of confidentiality, we have a broader duty of professionalism. Even if we are not breaching the legal duty, potential clients or self-represented litigants may not feel confident in our sense of discretion if they overhear us discussing cases in public areas.

Professionalism includes a prohibition against soliciting legal business for ourselves, our family, or friends. LAFLA considers violation of this prohibition to be a major offense that may result in immediate discharge of the offender. LAFLA will not retaliate against any volunteer for bringing another volunteer’s unprofessional conduct to LAFLA’s attention.

### **Personal Information**

The name, address, telephone number, e-mail address, and related personal information of clients, self-represented litigants, staff and volunteers are confidential and you may not share them with anyone outside of LAFLA.

### **Documents**

In order to avoid inadvertent disclosure, you should file away any documents that contain material relating to a client’s case whenever they are not in use. This includes intakes, memos, phone messages, etc. It does not include general research on a topic, including cases and statutes. This helps to prevent disclosure of confidential material if other clients or non-staff come into the work space, and guards against loss of important documents.

Please shred any confidential material that you discard. Do not merely throw it away. Do not leave confidential material displayed on your computer monitor; close any computer programs you are using before leaving your desk.

Never remove a document relating to a case, or a copy of such a document, from a LAFLA building unless you are traveling to another LAFLA building in the course of business, or unless the document is required for an assignment and you have prior permission from your supervisor.

Once a pleading or other document is filed with the court, it is usually a matter of public record and the facts contained in the document are no longer protected as confidential. Some court cases are confidential matters and some filings, even in a public record case, can be confidential. Unless you are 100% confident that the facts contained in a filed document are truly public record, you should not discuss those facts with anyone outside LAFLA.

If you have a school program requirement that you submit copies of your work product, you may either use photocopies of conformed documents that have been filed with the court, or you may use a redacted version of memos and pleadings. Your supervisor must review and approve the proposed work product submission before you take it from the office.

## **Intakes and Meetings**

Whenever you meet with a client or self-represented litigant to discuss his or her case, you should take reasonable steps to protect the person's confidentiality. In an office setting, you may simply close the door to an office or conference room. In clinics and self-help centers, the challenge can be much greater. Try to find a relatively free area to conduct your interview and calmly but firmly ask anyone who intrudes into your interview space to wait until you are finished. You should lower your voice as much as possible. If necessary, you should ask the client or self-represented litigant if he or she is willing to discuss the problem in a setting in which you cannot guarantee complete privacy and confidentiality.

## **Telephone**

You should avoid taking a phone call from one client while you are meeting with another client; it is impossible to protect the caller's confidentiality in such a situation. If taking the call is essential, you may have to transfer it to another telephone or arrange to return the call when you are in a private setting. You should never leave a message with a client or self-represented litigant's roommate or on an answering machine unless you have first received the client or self-represented litigant's permission. You should not answer questions or give out information to callers unless you are able to conclusively establish the caller's identity. Do not use the intercom to page a client by name unless the client has given you permission in advance.

## **Conversation**

A client or other visitor to the office, self-help center or clinic may sometimes ask about someone else's legal business. Do not discuss one client or self-represented litigant's affairs with another client or self-represented litigant.

## **Outside the Office/ Clinic**

Whether you are at lunch with co-workers or at home with family, you should exercise great care not to reveal confidential information when discussing cases. Volunteers may not post on social media or blog, chat or Tweet about confidential client information, which may include the client's identity and the fact that LAFLA is providing a specific person legal services.

## **2. Drug-Free Workplace Policy**

LAFLA is committed to maintaining a work environment which is free from the abuse of drugs. Volunteers who use, possess, sell, buy, or transfer drugs in any way while on LAFLA premises or while performing LAFLA services may be terminated.

For the purpose of this policy, “drugs” are controlled substances as defined in Federal Law, 21 USC, Section 812.

## **3. Non-Harassment Policy**

LAFLA is opposed to and will not tolerate harassment, including harassment based upon a protected status such as sex, race, national origin, age, religion, sexual orientation, or disability in any form. Please keep in mind that jokes, stories, slurs, cartoons, nicknames, and comments about appearance may be offensive to others.

Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either an explicit or implicit condition of volunteering; or
- The harassment has the purpose or effect of unreasonably interfering with a volunteer’s work performance or creates an intimidating, hostile or offensive work environment.

Each volunteer must exercise his or her own good judgment to avoid engaging in conduct that another may perceive as sexual harassment. The following are some examples of inappropriate behavior that LAFLA will not tolerate:

1. Stating or suggesting that a volunteer can receive favors including a positive evaluation or job offer by providing any form of sexual favor to, or dating, a supervisor;
2. Making unwelcome physical contact with another, such as giving unwelcome hugs, kisses, or massages;
3. Telling sexually offensive or degrading jokes or stories;
4. Directing sexually oriented profanity to another;
5. Making offensive gestures of a sexual nature or repeatedly staring at another;
6. Making unwelcome comments about the appearance or anatomy of another;
7. Displaying or allowing the workplace to contain pictures of naked or scantily clothed men or women, or sexually explicit pictures or text;
8. Interfering with another’s motion by blocking or standing in an uncomfortably close proximity;

9. Repeatedly asking another for a date after being turned down in a manner that does not invite a future invitation.

## **Complaint Procedure**

LAFLA urges any volunteer who believes that he/she is, or may be subject to, such objectionable conduct to contact his/her supervisor immediately. If, for any reason, a volunteer would prefer not to discuss the objectionable conduct with his/her supervisor, the volunteer should contact LAFLA's Pro Bono Director immediately. LAFLA will take prompt investigatory, corrective, and preventive actions.

In determining whether the alleged conduct constitutes unlawful harassment, LAFLA will investigate all of the circumstances, including the nature of the conduct and the context in which the alleged incident(s) occurred.

Harassment is a major offense which can result in the immediate discharge of the offender.

LAFLA will not retaliate against a volunteer for making a complaint or bringing such conduct to LAFLA's attention.

## **4. Technology Use Policy**

The purpose of this policy is to establish guidelines to ensure the proper use of computer and telecommunication resources and services by volunteers and other authorized users.

LAFLA provides workplace technology—computers, voicemail, e-mail, internet and videoconferencing access—for authorized users to support LAFLA's mission and professional activities. All users have the responsibility to use computer and telecommunications resources and services in an efficient, ethical, and lawful manner, in accordance with the guidelines established under this policy. LAFLA expects users to develop competency in using the computer and telecommunications resources to maximize efficiency and minimize the demand on LAFLA's Technical Services staff. Violations of this policy may result in disciplinary action up to and including suspension, termination and/or legal action.

1. All computer and telecommunications equipment, resources, and services, including internal and external hard drives, software, CD-ROMs, datasticks, programs, documents, and data stored are LAFLA property and are intended for legitimate business purposes only. LAFLA may, at its discretion, monitor any and all aspects of the computer and telecommunication resources and services, including employee documents, e-mail, voice mail, and internet activity. Users have no expectation of privacy or right to claim ownership of anything they create, send, or receive using LAFLA's computer and telecommunications technology.
2. LAFLA issues each user a personal password that is intended for his/her use only. LAFLA will determine, on an individual "need to have" basis, which directories and files each user can access, and will assign access rights accordingly. **Users may not share their log-in information with anyone. Users must not facilitate non-authorized access to LAFLA systems, programs or databases.**

3. Hackers, viruses, worms, and other intrusions can seriously compromise the integrity of LAFLA's computer network. **Because of the potential exposure to such dangers, no user may use his or her own personal computer (including laptops and tablets) to access LAFLA's technology systems without LAFLA's Director of Information and Technology's written authorization.** LAFLA does allow web-based email access through lafla.org.
4. **LAFLA strictly prohibits using wireless technology (including PDAs and wireless routers) to access LAFLA's technology systems.** Users may only synchronize PDAs with LAFLA systems with LAFLA's Director of Information and Technology's written permission.
5. The introduction of unapproved software (programs) can crash a computer or entire network by introducing viruses, changing the operating environment set-up, or causing conflicts with existing software. **No user may download, install or use software on LAFLA equipment at any time, without written authorization from LAFLA's Director of Information and Technology.** This includes, but is not limited to, software downloaded from the internet, attached to an e-mail message, copied from another computer, or received from anyone unauthorized by the Executive Director or the Director of Information and Technology.
6. **Because of the danger posed by viruses, users should never open unsolicited e-mail attachments without first determining the validity and safety of the attachment.** When in doubt as to the validity of an email communication, contact Technical Services for support.
7. **Users shall not use LAFLA computers for online chatting, blogging (unless directly related to LAFLA's activities and only with express permission from LAFLA's Communications Manager), online gaming or other applications that involve real time feed or streaming such as RSS, news, podcast, time and weather updates, radio, music, video clips, movie and sports transmissions.** By using excessive bandwidth, these programs can have a significant detrimental impact on the performance of LAFLA's data network and telephone systems including voicemail and intake.
8. Unauthorized copying of software is a violation of federal law. **Users may not install LAFLA-licensed software on personal laptops, home computers, or other non-LAFLA equipment without the written permission from the Director of Information and Technology.**
9. LAFLA maintains virus protection software on each workstation computer. Each user is responsible for scanning, CDs, DVDs, Zip disks, USB-key or other media for viruses prior to introducing their contents in to a LAFLA computer.
10. LAFLA provides internet access to facilitate LAFLA's legal work, case management, contacts with funding sources, research, e-mail, etc. Each user is responsible for ensuring that internet usage does not conflict with the firm's service to clients, ethical responsibilities, or applicable laws and regulations. Examples of forbidden internet usage include:
  - 10.1. Accessing, creating, downloading, transmitting, or printing materials that are discriminatory, derogatory, defamatory, obscene or offensive; create an intimidating or

hostile environment; threaten or advocate violence; are related to hate or paramilitary groups or beliefs; or that may be construed as harassment or disparagement based on race, color, national origin, sex, sexual orientation, age, disability, or religious or political beliefs.

- 10.2. Accessing, sending, receiving or soliciting text or images that are adult or sexually oriented, or in any way obscene, lewd, or pornographic.
- 10.3. Disseminating or printing copyrighted materials, including articles and software, in violation of copyright laws.
- 10.4. Downloading software without prior approval of the Technical Services Department. Downloads could introduce a computer virus onto LAFLA's network or be an infringement of copyright law.
- 10.5. Operating a business for personal gain, sending chain letters, or soliciting money for religious or political causes or commercial interests.
- 10.6. Gambling.
- 10.7. Providing access to confidential information on a client, volunteer, or employee.
11. Users shall not use voicemail, e-mail or internal instant messaging for any illegal or inappropriate purpose. Examples of forbidden voicemail, e-mail and instant messaging transmissions include:
  - 11.1. Profane or vulgar language.
  - 11.2. Discriminatory, insulting or defamatory remarks or any messages that can be construed to be harassing or disparaging.
  - 11.3. Sexually explicit messages, images, cartoons, or jokes.
  - 11.4. Chain letters.
  - 11.5. Solicitation of funds for commercial interest, political campaigns, or any purpose related to partisan political activity.
  - 11.6. Messages that promote violation of employer policies, procedures, rules and/or regulations.
12. Users should treat electronic files with the same importance and care as paper files. Because several users may share documents and data in common, users should not edit, copy, rename, or delete a file or data without the permission of the person who created it. Users must not password-protect documents without giving the password to Technical Services to keep on file.
13. LAFLA conducts regular back-ups of network-based applications and data, but does not back up local computer drives. Therefore work files should be stored in ProLaw as directed by the

supervisor. Each user is individually responsible to back-up information stored on his/her local hard drive on a frequent and regular basis. LAFLA is not responsible for loss of data stored on an individual's hard drive.

14. Users may make reasonable, limited personal use of computers and other office technology such as faxes, copiers, scanners, printers and telephones, outside of normal business hours. Such use may not interfere with job performance. However, no one may use LAFLA technology to conduct activities that are prohibited by the Legal Services Corporation or for purposes prohibited under the Technology Use Policy. LAFLA will not be responsible for the loss of any data created for non-business use.
15. Occasionally, immediate threats to the integrity of LAFLA's technology systems may require Technical Services to impose stringent measures limiting non-essential usage of LAFLA technology, such as curtailing web access while virus protection measures are enhanced. Users are expected to comply with all directives issued by Technical Services.
16. LAFLA expects users to utilize a personal calling card or other means to avoid incurring charges for personal long distance calls. It is the responsibility of each user to reimburse LAFLA for any personal long distance calls made on LAFLA's account.

Please direct any questions about this Technology Use Policy to LAFLA's Technical Services Department.

## **5. Attendance Policy**

LAFLA must depend on its volunteers fulfilling their commitments, including reporting when they are scheduled to volunteer. LAFLA reserves the right to terminate any volunteer who repeatedly fails to meet his or her commitments without prior notice. LAFLA also reserves the right to contact the volunteer's school to report the termination.

## **6. Time Reporting Policy**

The number of volunteer hours that LAFLA records annually is extremely important as we seek additional funding to expand our work. An accurate record also allows us to confirm your efforts if we are ever asked to serve as a reference. In order to receive coverage under LAFLA's malpractice insurance policy, attorney volunteers must regularly report their hours to their assigned supervisor.

### **In-House Volunteers**

All volunteers who work out of a LAFLA office must enter their volunteer time into the ProLaw system and have their ProLaw timesheet signed by their supervisor on a bi-weekly basis. All summer law student volunteers who clerk 5 days a week at a LAFLA Self Help Center must also enter their volunteer time into the the ProLaw system and have their ProLaw time sheet signed by their supervisor on a biweekly basis.

## **Clinic Volunteers**

All other volunteers who work at a LAFLA Self Help Center or at a LAFLA sponsored legal clinic outside of LAFLA must sign in each day or enter their time as required by the supervising attorney(s).

### **7. Dress Code Policy**

LAFLA's Dress Code is business casual. Please respect our clients and self-represented litigants by dressing appropriately. It is important to maintain our professionalism.

### **8. Volunteer Information Policy**

All individuals who volunteer at a LAFLA office or clinic must submit the following completed paperwork to his/her supervisor on a yearly basis:

- LAFLA Volunteer Application
- LAFLA Volunteer Policies and Procedures Confidentiality Agreement
- Resume
- References and Writing sample, if any

Volunteers whose professional status has changed, for example, from a law student to an attorney, or from a student to a paralegal, must provide updated information to his/her supervisor.



# LAFLA Volunteer Policies and Procedures

## Receipt

I hereby acknowledge receipt of the Legal Aid Foundation of Los Angeles' Volunteer Policies and Procedures. \_\_\_\_\_ (initial)

## Confidentiality Agreement

Definitions:

1. Information: As used in this Agreement, Information refers to
  - Any and all information and the content of any and all documents including, but not limited to, client data, financial data, and personal files of staff, board members and volunteers;
  - Any and all information and the content of any and all documents relative to the attorney work product that reflects impressions, conclusions, opinions, legal research, or theories; and
  - Any and all information accessed by computer under an assigned password, including e-mail and the actual password.
2. LAFLA Source: As used in this Agreement. LAFLA Source means
  - Any current or former attorneys, employees, agents, contractors, clients, officers, or directors or in the course of that individual's relationship with LAFLA.

In consideration of the opportunity to participate in LAFLA's programs, the undersigned agrees to hold any and all information from a LAFLA Source in strict and complete confidence, both during the Undersigned's involvement with LAFLA and following the termination of the Undersigned's involvement with LAFLA. The Undersigned further agrees not to release or divulge any Information from a LAFLA Source except upon written or oral authorization of a LAFLA Supervising Attorney.

The Undersigned has read and voluntarily signs this Confidentiality Agreement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Full Name