

Representation where roster member previously provided duty counsel services



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Subsequent representation in the same matter

A roster member who provided duty counsel services to an individual may not, without prior authorization as set forth in this policy, subsequently represent that individual in the same matter, whether by certificate or private retainer, other than in their capacity as duty counsel. Partners or associates of the roster member are also prohibited from representing clients who previously received duty counsel services from the roster member in the same matter.

LAO may authorize a roster member to represent an individual whom the roster member previously assisted in their capacity as duty counsel in the same matter if a lawyer-client relationship existed between the roster member and the individual before the roster member provided duty counsel services to the individual.

A roster member shall obtain LAO's written authorization before acknowledging a certificate, accepting an order for court ordered representation, entering into a private retainer, or providing services on a *pro bono* basis to an individual whom the roster member previously assisted in their capacity as duty counsel. The roster member shall certify in writing that a prior lawyer-client relationship existed, and provide such certification to LAO with their request to enter into the retainer.

Upon receipt of such certification, LAO may authorize the retainer for any of the following reasons:

1. there is limited availability of roster members in the individual's geographic area
2. cultural considerations
3. the individual's needs regarding language
4. any special expertise of the roster member

Subsequent representation in a separate matter

A roster member may represent an individual to whom the roster member previously provided duty counsel services in a separate, unrelated matter provided the roster member did not attempt to solicit or promote their subsequent service while acting as duty counsel, and provided that any prior lawyer-client relationship was not generated through a violation of this policy.

Roster members acting as duty counsel may not distribute their business cards, or their partners' or associates' business cards to individuals seeking legal aid services or otherwise solicit business on the day and location of their duty counsel assignment.

Violation of the policy

If a roster member violates this Policy, LAO may take compliance action including reducing or recovering all or a portion of the fees payable on the subsequent certificate; reducing or recovering all or a portion of the fees payable for the roster member's duty counsel services for the dates upon which the roster member assisted the individual; and undertaking roster management action, up to and including roster removal.