
A MODEL LEGAL SERVICES PROJECT FOR THE NEEDS OF THE MENTALLY ILL AND
THEIR FAMILIES IN VIRGINIA

I. Project Description

The Model Legal Services Project for the Mentally Ill (the "Project") is designed to respond to the needs of Virginia residents suffering from mental illness and their families by providing access to quality legal advice. In this pilot project, volunteer attorneys assist the staff of a partner organization -- the National Alliance for the Mentally Ill- Virginia Chapter ("NAMI-Virginia") -- in responding to callers with a wide variety of legal problems. The attorneys involved in the Project have responded by explaining legal proceedings and providing information and advice for protecting legal rights and remedies, by facilitating better communication between family members with appointed experts and attorneys, and by appearing in court on behalf of the mentally ill in need. In addition to giving this immediate aid to the caller, this Project also encourages and educates attorneys to address the legal needs of the mentally ill in the attorneys' daily practice.

II. Project Planning/Development

A. Identification of Need

The need for the Project was initially identified three years ago by members of the Virginia Bar Association's Young Lawyers Division and two senior staff members of NAMI-Virginia. NAMI-Virginia is a private, non-profit 501 (c)(3) organization that is dedicated to improving the quality of life of the estimated 286,000 adults and 75,000 children affected by serious mental illnesses in Virginia each year. These biologically-based illnesses include schizophrenia, major depression, bipolar disorder, obsessive compulsive disorder, and severe anxiety disorders. The organization responds to the needs of persons with brain disorders and their families and friends who share the burden of coping with these often devastating diseases. NAMI-VA is affiliated with the National Alliance for the Mentally Ill, which boasts over 210,000 members across the country, and is a nationwide, family-based movement for people with brain disorders. There are 27 local Virginia affiliates, which are comprised of family members, persons with mental illnesses, friends, and professionals. There are over 4,700 members among these local affiliates.

NAMI-Virginia operates a toll-free Helpline that takes approximately 2,000 calls per year. As many as 20% of these calls are from families or individuals presenting some kind of legal problem. Many people needing such legal expertise have had little access to qualified attorneys or have been reluctant to contact attorneys directly because of the perceived stigma of mental illness. Prior to the project being implemented, persons calling NAMI-Virginia seeking help for any number of potentially serious legal issues were referred *ad hoc* to a limited number of outside attorneys known to the NAMI-Virginia staff. Because of those attorneys' time constraints and the limits of their areas of practice, however, many of the legal inquiries simply could not be handled and were turned away.

B. Determination of Project Goals and Design

1. Decisions to be made

a. Options - Project Goals

The Project was formed with the goal to provide a link between attorneys and a portion of the public believed to be underserved or incompletely served by existing legal resources. Callers to the NAMI-Virginia Helpline who needed legal assistance or advice would be referred to a motivated volunteer attorney, who would provide or coordinate an appropriate and helpful consultation or other response to the caller's specific inquiry. The Project limited its plan to coordinating a response to an initial inquiry and did not seek to provide an attorney *pro bono* for full-blown legal representation of every Helpline caller. However, the originators of the Project wanted to encourage volunteer attorneys to provide legal service to a caller to whatever extent the attorney believed necessary and appropriate under the circumstances.

b. Options - Project Design

The Project was formally implemented in October of 1997, following months of preparatory consultations between YLD members and the NAMI-Virginia staff. The Project was confined largely to the Richmond, Virginia area. The originators also decided not to limit the scope of, or to target, certain "issues" for the Project, but instead to identify and recruit a group of motivated volunteer attorneys with a sufficiently broad range of expertise among the group in the various types of issues confronting the callers, including estate planning, powers of attorney, insurance coverage, civil commitment, family and domestic, and criminal law problems. Needs for certain kinds of attorneys have varied widely, and affiliates seeking to start a project in this area may find that a narrowing of issues (i.e., to criminal justice, domestic, etc.) could effectively serve their local or state communities.

There are currently approximately twenty (20) volunteer attorneys affiliated with the Project. In addition, many members of the YLD's Executive Council and Committee have participated by providing useful referrals and feedback. NAMI-Virginia staff screens all legal inquiries, identifies an appropriate attorney, and if he/she is available to assist, staff provide the volunteer attorney a brief description of the circumstances (see intake form attached hereto).. Potential attorney conflicts are examined regarding each case. If conflicts do not exist, the lawyer can agree to respond in writing or speak directly to the client. The attorney may direct the person to available resources for legal representation, or arrange terms to represent the client him/herself.

As noted above, the Project did not ask volunteer attorneys to agree to provide full-blown legal representation of every Helpline caller. Instead, volunteers are asked to commit to responding to an average of five inquiries a year and are committed to providing a thorough written or oral response to the caller's inquiry or an appropriate referral. Originators of the Project have encouraged volunteer attorneys to provide legal service to a caller to whatever extent the attorney believes to be feasible under the circumstances.

2. Decision Making Process

The design and implementation of the Project has been largely the work of the members of the Project's committee on the YLD and the senior staff and board of directors of NAMI-Virginia. However, this process benefited from the advice and guidance that the committee members solicited from the Executive Committee and Council of YLD and from members of the senior bar in Virginia.

3. Considerations in Project Planning

a. Community Resources

As described above, NAMI-Virginia is the key community resource relied upon for the success of the Project. The goals of the Project could not have been attained without the partnership between YLD and NAMI-Virginia.

b. Personnel

At present, the only staff support for the Project is that provided by a full-time staff member of NAMI-Virginia, who is responsible for screening and routing inquiries and for tracking the responses. Beginning in July, 2000, the Project is receiving partial funding for this staff person's time by a one-year grant from the Virginia Law Foundation ("VLF") administered by NAMI-Virginia. Because of the pressing demands on this staff person's time, however, the Project is exploring the possibility of arranging for the volunteer attorneys to take more responsibility for the screening, routing, and tracking process. The specifics of this plan have yet to be determined and it will depend in large measure on the Project's success in recruiting a much larger number of volunteer attorneys than the Project has had in the past.

With respect to the volunteer attorneys, through grant funding by the VLF the Project is presently planning and organizing a one-day training and continuing legal education seminar, tentatively entitled "Serving the Legal Needs of the Mentally Ill in Virginia," to be held in Richmond, Virginia, in the early spring on 2001. The written materials produced for the seminar will be used to make a training "manual" for attorneys volunteering for the Project, and the seminar will be videotaped for use in training other volunteers. The seminar will be free of charge or at a reduced charge to attendees who volunteer their time to the Project.

c. Revenue Availability/Fund raising

YLD provides a small budget for the Project, but most of the financial costs of the Project the staff time and service of NAMI-Virginia. NAMI-Virginia receives funding from a variety of grant and gift sources, as well as from its membership dues and activities. The Project itself has obtained its first grant this year (mentioned above) and continues to explore other available sources of funding.

d. Other Needs (Equipment/physical needs)

The office space, telephone, and copier used for the Project are provided by NAMI-Virginia's central office in Richmond, Virginia.

III. Implementation of the Project

A. Timetable

The “pilot” Project was established within six months of the initial meeting between NAMI-Virginia staff and YLD members in the summer of 1997. Most of that time was spent in developing the Project’s design and intake form and identifying and recruiting the first volunteers, who met together for the first time in late October, 1997. In addition, initial publicity (see below) was arranged and articles submitted for publication in state bar and the fall of 1997. By the end of 1997, the Project already had provided help to several Helpline callers.

Affiliates contemplating their own timetable for a similar project should recognize, however, that the Project had an enormous head start due to the background knowledge and experience of the NAMI-Virginia staff and the prior establishment of the NAMI-Virginia Helpline. The organization and effectiveness of other states’ affiliates of NAMI varies tremendously. The Project is not aware of any other similar nationwide organization for the consumers of mental health services and their families with which affiliates in other states could partner. Other affiliates could explore whether other service providers to this community, such as hospitals or state government units, would be as useful or effective partners.

B. Recruitment and Training of Volunteers/Personnel

See Section II(3)(b) on “Personnel,” above.

C. Publicity

The Project began obtaining publicity by publishing articles describing the Project in the VBA’s monthly statewide publication and in the NAMI-Virginia monthly newsletter to its members. Achievements of the Project and NAMI-Virginia awards to certain of the volunteer attorneys have been published through the same newsletters. The Project plans to use other methods of publicizing the upcoming attorneys training forum, including announcements and press releases to a wide variety of legal interest organizations and publications and the news media.

D. Day-to-Day Operations

The Project continues to operate on the same model as at its initiation - i.e., with NAMI-Virginia staff conducting the screening and inquiry-framing process for referral to the volunteer attorneys. Currently the Project is considering shifting part of the responsibility for the “day to day” process to volunteer attorneys so as to lessen the impositions on NAMI-Virginia staff. Part of the reason for this is a desire to maintain more detailed records on the outcome of inquiries.

IV. Evaluation and Impact

In 1998 and 1999, over 100 cases each year were referred to a Project attorney. Since the Project began in October, 1997, over 100 cases annually have been referred by NAMI-Virginia to the Project. On behalf of callers, Project attorneys have done everything from giving simple legal guidance and referrals, to drafting powers of attorney, to directly contacting and appearing before involved courts and other governmental agencies. Measured by the accomplishment of its initial, limited goals, the Project can be evaluated a success.

A significant challenge to the Project exists in the years ahead. Both the numbers and the complexity of the legal problems involved have increased. It is evident that the Project needs more attorneys as volunteers in the Richmond area. In addition, with a few exceptions, the Project has remained confined to providing service in the Richmond area. It is clear that the Project could expand to the northern Virginia area – which has experienced rapid growth -- to address calls from that area of the state. A YLD committee “co-chair” who practices in that area of the state is being sought to coordinate that effort.

V. Resources

Primary Affiliate Contact: Virginia Bar Association Young Lawyers Division
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P.O. Box 1320
Richmond, Virginia 23218-1320
Telephone: (804) 643-1991
Facsimile: (804) 783-6507
e-mail: phanes@wmcd.com, ktower@wmcd.com

Co-Sponsor Contacts: National Alliance for the Mentally Ill – Virginia
Attn: Caitlin Wright
P. O. Box 1903
Richmond, VA 23218
Telephone: (804) 225-8264
Toll Free: (888)486-8264
Fax: (804) 643-3632
<http://www.namivirginia.org>

Other Resource: National Alliance for the Mentally Ill- National
Colonial Place Three
2107 Wilson Blvd., Suite 300
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Front Desk (703)524-7600
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