



POLICY OF THE LEGAL AID CONFLICTS COMMITTEE

The Roanoke Bar Association recognizes the importance of providing representation to deserving clients of Blue Ridge Legal Services, Inc., and Legal Aid Society of the Roanoke Valley who cannot be represented due to a conflict of interests. This duty is reflected in Article XXIX of our bylaws, which provides that “[t]he Legal Aid Conflicts Committee shall receive requests for referrals from Blue Ridge Legal Services, Inc., and Legal Aid Society of the Roanoke Valley of persons seeking legal representation who qualify for services from those agencies except for a conflict of interests. The committee shall refer these requests for legal representation to members of the Bar to provide the representation without charging a fee.”

A. Guidelines for Referring Agencies

It is understood that Blue Ridge Legal Services, Inc. (“BRLS”) and Legal Aid Society of the Roanoke Valley (“referring agencies”) will refer cases in which they are representing adverse parties. It is further understood that the referring agencies will refer cases in which there has been an attorney consultation with an adverse party. Mere completion of an application, without an attorney consultation, will not serve as grounds for a conflict.

In the recent past, the referrals have come from BRLS and generally have involved support, custody or visitation matters. It is BRLS’s policy that it will not represent indigents in support, custody or visitation matters in Juvenile and Domestic Relations Court unless pro se representation would work substantial injustice, and BRLS does not request our attorneys to

provide services that it would not provide. Thus, our lawyers would normally be asked only to provide advice and not to appear in court.

B. Guidelines for volunteer attorneys who provide representation to conflicted clients

1. It is hoped that volunteer attorneys will accept cases which are pending in the Circuit Court of the City of Roanoke, regardless of the residence addresses of the parties, unless the parties reside so far away that effective representation is impossible. Where representation is limited to advice, volunteer attorneys may be able to provide that advice by telephone, rendering geographic impediments immaterial.
2. It is hoped that volunteer attorneys will agree, if possible, to accept cases in the Circuit Courts of Salem and Roanoke County, particularly in view of the fact that membership in the Association is open to any lawyer who maintains a principal office or residence in the County of Roanoke or the City of Salem. Such acceptance would only be expected if the volunteer attorney would not be inconvenienced by practicing in Salem.
3. There is no requirement that the client, case, and adverse party all reside in the City of Roanoke. Residence of an opposing party in an outlying jurisdiction should not disqualify representation.
4. A lawyer who agrees to provide advice in support, custody or visitation matters and subsequently determines that representation in court proceedings is needed in order to avoid substantial injustice is not obligated to provide that representation, but may choose to do so. If he or she declines to provide that representation, the client should be referred back to the Conflicts Committee.