

RESOLUTION 2021-03

A RESOLUTION AUTHORIZING BAND MEMBER LEGAL SERVICES TO CONTINUE OPERATIONS BASED ON ITS FORMER STANDARDS UNTIL DIRECTED OTHERWISE AND DIRECTING THE MANAGING ATTORNEY TO PREPARE AND SUBMIT ANNUAL REPORT NOT LATER THAN NOVEMBER 30, 2021

- WHEREAS, pursuant to 24 MLBS 1337, the Board of Directors (“Board”) has a duty to develop “standards governing the delivery of indigent defense services[;]” and
- WHEREAS, those standards include “standards governing eligibility” for services; and
- WHEREAS, those standards include “standards prescribing minimum experience, training, and other qualifications” for attorneys employed as tribal public defenders; and
- WHEREAS, those standards include “standards for . . . caseloads” of tribal public defenders; and
- WHEREAS, those standards include “standards for the evaluation” of tribal public defenders; and
- WHEREAS, those standards include “standards for independent, competent, and efficient representation of clients whose cases present conflicts of interest[;]” and
- WHEREAS, those standards include “such other standards as are necessary and appropriate to ensure the deliver of adequate indigent defense services[;]” and
- WHEREAS, the managing attorney has a duty “to assist the [B]oard in developing [said] standards[;] and
- WHEREAS, the managing attorney was appointed on 2 September 2021, which does not give enough time for the managing attorney fully to provide the information required for the Board to make informed decisions on policy; and
- WHEREAS, the managing attorney is required “to prepare and submit to the [B]oard an annual report containing pertinent data on the operations, needs, and costs of Band Member Legal Services and any other information that the [B]oard may require[;]” and
- WHEREAS, the Board has only come into existence on August 30, 2021; and
- WHEREAS, the Board has an ethical duty to make informed decisions on the policies and procedures of Band Member Legal Services.
- NOW, THEREFORE, BE IT RESOLVED, that the Board authorizes Kerri Johnson (“Ms. Johnson”), the managing attorney, to continue use of any existing written policies of Band Member Legal Services or any ongoing practices not inconsistent with Band law on an interim basis until the Board has reviewed and approved, adopted, revoked, suspended, or otherwise acted on each policy implicated by the statute.

BE IT FURTHER RESOLVED, that the Board requests that Ms. Johnson prepare and submit to the Board the annual report for the year 2021 as soon as is practicable, but not later than November 30, 2021.

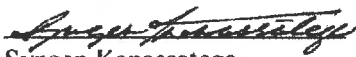
BE IT FURTHER RESOLVED, that the Board requests that Ms. Johnson include in the annual report copies of all currently existing written standards under which Band Member Legal Services operates.

BE IT FURTHER AND FINALLY RESOLVED, that the Board requests that Ms. Johnson provides advance notice to the Board when the reports mentioned herein are nearing completion so that the Board may convene at the earliest possible date to review and discuss the reports.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular meeting of the Board, a quorum of directors being present on the 2nd day of September, 2021, at Nayahshing by a vote of:

FOR:	<u>3</u>
AGAINST:	<u>0</u>
ABSTAINING:	<u>0</u>

IN WITNESS WHEREOF, we, the Board of Directors, hereunto cause to have affixed to this resolution the signatures of the members of the Board of Directors.


Syngen Kanassatega
Chairperson of the Board


Joseph Jensen
Vice-Chairperson & Secretary

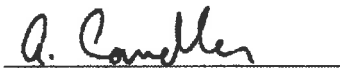

Adam Candler

TABLE OF CONTENTS

INTRODUCTION

Mission Statement

Services Provided

Organization of Band Member Legal Services

CHAPTER I PROCESSING AN INTAKE

- A. Who May Apply for Services
- B. Intake Procedure
- C. Conflict of Interest
- D. Accepting an Intake
- E. Providing a Questionnaire
- F. Fees for Services
- G. Procedure

CHAPTER II Establishing a Case Record

- A. Establishing Access to Case File/Records

CHAPTER III Safeguarding Information

- A. Confidentiality Agreement
- B. Conflict of Interest
- C. Release of Information
- D. BMLS General Office Policy
- E. Employee Violation of Confidentiality
- F. Social Media

CHAPTER IV Office- General

- A. Employment Category
- B. Attendance and Punctuality
- C. Remote/Hybrid Work
- D. Receptionist
- E. Civil Administrative Assistant
- F. Civil Case Support Manager

- G. Paralegal
- H. Office Manager
- I. Staff Attorney
- J. Managing Attorney

CHAPTER V COVID Procedures

CHAPTER VI FORMS

- A. CONFIDENTIALITY AGREEMENT
- B. LIMITED SCOPE REPRESENTATION AGREEMENT
- C. INTAKE FORMS (CIVIL/CRIMINAL)
- D. TIMESHEET

INTRODUCTION

MISSION STATEMENT

Mille Lacs Band Statutes Annotated Title 15, Chapter 3, §902

The mission and goal of the Mille Lacs Band Legal Services (BMLS) is to provide legal representation to enrolled members of the Mille Lacs Band of Ojibwe.

Services provided include:

- Representation in civil matters to include, family law, dissolution, guardianship, child support, housing, and probate/estate planning in Mille Lacs, Crow Wing County, Aitkin County, Pine County, Ramsey County, Hennepin County, Morrison County, and Kanabec County.
- Representation in child protection and child custody matters in all 87 Minnesota Counties, Court of Central Jurisdiction, and administrative matters.
- Representation in criminal matters in Mille Lacs, Crow Wing County, Aitkin County, Pine County, Ramsey County, Hennepin County, Morrison County, and Kanabec County.
- Limitations of representation under 15 MLBSA 3 §911.
 - Band Member Legal Services may represent Band members in all civil matters in administrative hearings, tribal court, state court, and federal court.
 - Band Member Legal Services may represent Band members in criminal matters in tribal court, state court, and federal court, provided that:
 - 1) The charge or charges do not implicate an act against another Band member;
 - 2) The representation is in accordance with any standard promulgated by the board; and
 - 3) The representation is not for a charge that constitutes a drug crime, unless it is a first-time possession offense that is a charge of second degree or lesser degree.

Declination and Termination of Representation.

- BMLS may decline or terminate representation of a client to the extent permissible under:
 - 1) 15 MLBSA 3 §911; or
 - 2) The Minnesota Rules of Professional Conduct
- If BMLS declines or terminates representation pursuant to Minnesota Rules of Professional Conduct, the director shall, in a manner consistent with the Minnesota Rules of Professional Conduct, assign another attorney to provide representation.

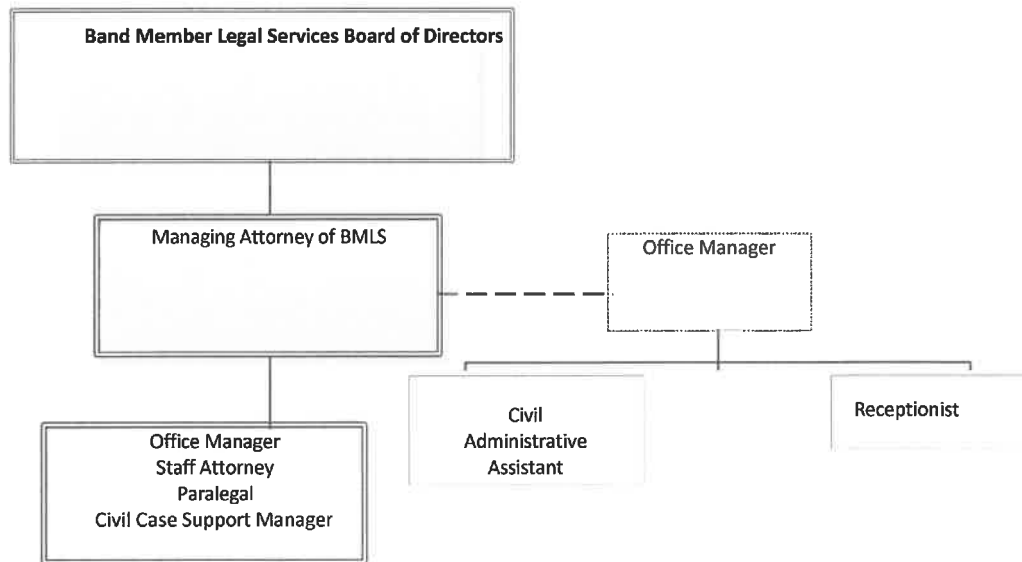
Band Member Legal Services is dedicated to helping enrolled members of the Mille Lacs Band of Ojibwe who need us most by: Advocating for systemic change, collaborating with community organizations, and meeting clients where they are.

ORGANIZATION OF THE BMLS

Band Member Legal Services shall be an independent entity established to provide indigent defense services to Band members, whose funding shall be provided by appropriations by the Band Assembly and, to the extent possible, by charitable or grant funds provided by outside entities. Band Member Legal Services shall be under the administrative control of the board. Please refer to the Organizational Chart below.

BAND MEMBER LEGAL SERVICES

Organizational Chart



BMLS Organizational Chart

CHAPTER I – PROCESSING AN INTAKE

Any enrolled member of the Mille Lacs Band of Ojibwe may apply for services. Services will be assessed for representation based upon the following:

FORMS: Intake Form, Limited Scope of Representation Agreement,

ABA Standards for the Provisions of Civil Legal Aid: Standard 5.1

Section 5: Standards for Internal Systems, Procedures, and Client Relations
Standard 5.1

Tribal Code:

§ 910. Service Area of Band Member Legal Services.

- (a) **General.** Band Member Legal Services shall have a service area including the counties of Aitkin, Crow Wing, Hennepin, Mille Lacs, Morrison, Pine, and Ramsey.
- (b) **Child custody proceedings.** Band Member Legal Services shall have a service area including all counties in Minnesota for child custody proceedings as defined by 25 U.S.C. §1903 and child protection matters as state in Title 8, Chapter 13 – Child Protection.

A. WHO MAY APPLY FOR SERVICES

POLICY:

The Band Member Legal Services will complete an intake for legal representation to anyone that makes a request. Requests may be made over the telephone, email, or mail.

Any enrolled member of the Mille Lacs Band of Ojibwe may complete an intake for services. An intake for services, intake interview, questionnaire, and retainer agreement must be completed and signed before the BMLS may proceed working the case. Services that can be requested are:

- *Legal Representation*
- *Brief Legal Services*
- *Advice only- legal services*

B. INTAKE PROCEDURE

APPLICANT

- *An individual seeking services must call the BMLS office at 320-532-7798 and complete an intake with an office staff member;*
- *The intake form must provide complete identifying information for the applicant;*
- *The applicant must provide a Mille Lacs Band enrollment number for the applicant;*
- *The applicant must provide ALL parties involved in the matter that representation is being sought;*
- *The applicant must provide an address and phone number that BMLS may contact the applicant;*
- *The applicant must participate in all follow up interviews pertaining to the legal representation that is being requested;*

-Intake Form

OFFICE STAFF

- Office staff will complete the intake form with the applicant;
- Office staff will route the intake form to the office paralegal for review of conflicts of representation;
- Office paralegal will review the intake within 24 hours of receipt of the intake request;
- Office paralegal will assign the intake to the staff attorney that is best suited for the matter based upon staff attorney availability, service location, jurisdiction, case type;

ASSIGNED ATTORNEY

- Assigned attorney will follow up with applicant within 72 hours of the initial request for services;
- Assigned attorney will interview the applicant during the follow up;
- Assigned attorney will determine the representation of the matter;
- Assigned attorney will request to open a file from the-
Civil Matters- Civil Administrative Assistant
Criminal Matter- Paralegal
- Once the matter is open a paper file will be created by the corresponding office staff and paper file will be returned to the assigned attorney.
- The assigned attorney will maintain the paper file in their office, in a fire safe file cabinet, that will be locked.
- The assigned attorney will safeguard the paper file for the duration of the matter
- The assigned attorney will determine any requests for review of the case file (electronic or paper).

C. CONFLICT OF INTEREST APPLICANTS

Referrals

A referral to a contract conflict attorney for civil legal representation may be made on behalf of an individual seeking legal representation in civil matters if: (MN Rules of Professional Conduct Rules 1.7, 1.8, 1.9, 1.10, and 1.11)

- Representation of the individual seeking legal services from BMLS is determined to meet the Conflict of Interest: current clients;
- Representation of the individual seeking legal services from BMLS is determined to meet the Conflict of Interest: Current Clients: Specific Rules;
- Representation of the individual seeking legal services from BMLS is determined to meet: Duties to Former Clients;
- Representation of the individual seeking legal services from BMLS is determined to meet Imputation of Conflicts of Interest: General Rule;
- Representation of the individual seeking legal services from BMLS is determined to meet the Special Conflicts of Interest: General Rule.

For procedures on determining a conflict of interest for this chapter and BMLS refer to the Minnesota Rules of Professional Conduct.

D. ACCEPTING AN INTAKE

POLICY:

An individual that is accepted for legal representation is responsible to sign an engagement letter for representation. The assigned attorney for the individual will review the engagement letter with the client.

The engagement letter outlines the expectations of services to be provided during the lifetime of the case matter.

The engagement letter outlines the expectations of the client throughout the lifetime of the case matter.

-forms: Limited Scope of Representation Agreement

- *Assigned attorney will request to open a file from the-
Civil Matters- Civil Administrative Assistant
Criminal Matter- Paralegal*
- *Once the matter is open a paper file will be created by the corresponding office staff and paper file will be returned to the assigned attorney.*
- *The assigned attorney will maintain the paper file in their office, in a fire safe file cabinet, that will be locked.*
- *The assigned attorney will safeguard the paper file for the duration of the matter*
- *The assigned attorney will determine any requests for review of the case file (electronic or paper).*

E. PROVIDING A QUESTIONNAIRE

POLICY:

The BMLS will send a potential client a questionnaire for services related to the legal representation that is requested. The potential client is responsible to complete the questionnaire and return the information to the BMLS office prior to work on the matter.

The potential client is responsible to provide information pertinent to the legal representation for which they are seeking.

The legal representation of the individual is contingent on the individual's participation in their legal matter.

F. FEES FOR SERVICES

The BMLS does not charge a fee for legal representation.

Filing fees may be charged to the client. The fees are set by the jurisdiction in which the matter is held. The client is responsible for the filing fees incurred for the duration of the matter. The client is responsible for the fees that are imposed by the Court throughout the lifetime of the case matter.

The BMLS will assist a client with the completion of an In Forma Pauperis Form to be filed with the Court for a reduction or no cost of document filing fees/

PROCEDURE

- a. Complete information on the intake
- b. All necessary documentation is provided. Documentation may include:
 - Court Notices, Filings, Orders
 - CP's tribal enrollment card
 - Copy of Birth Records, Recognition of Parentage, Death Certificates, etc.
 - Copy of Income, Financial Records
 - Copy of documents relevant to representation of the matter
 - Current address, phone number, and email address.
- c. If Information is incomplete or documentation is missing:
 - If the applicant has not provided incomplete or missing and requested information within **ten (10) calendar days** the applicant will be mailed a ten-day letter to request the incomplete information.
 - If the applicant fails to respond or provide the incomplete information the intake will be closed. The applicant may call and complete a new intake after the closure of an intake.
 - The staff attorney will schedule an interview with the client to review the matter and provide legal advice.
 - The staff attorney will maintain the case matter after the representation has commenced.
- d. Staff Attorney will maintain client contact, attend hearings, and will assume all actions of the matter.

Receptionist Phone Protocols:

- 1) Assess the client's needs.
 - a. Determine if this is a new case, or if the client is already working with an attorney.
Tools to use:
 - i. Client's statement. Ask, "What issue are you calling about?"
 - ii. Civil/Criminal Intake Logs
 - iii. Civil Case list
 - iv. Server
 - b. Is this something that can be dealt with administratively? THIS IS RARE! To include, "send me POA paperwork." Do not advise clients yourself!
- 2) If appropriate, take intake. **INTAKE PROCEDURE:**
- 3) If it is a pending case, please send a message to the attorney.
 - a. ALWAYS send a number (do not let the client say "they have my number.")
 - b. As much detail as possible so the attorney can be prepared when they return the call.
 - c. Let the attorney know there was a contact EVERY TIME, even if the client declines to leave a message, or was here picking up paperwork or called 10 times. Send the attorney an email and note every contact in MyCase.
- 4) **Jail Calls.** Jail calls require special protocols because inmates calling from jail/prison have restricted rights to call out. This motivates them to attempt to manipulate calls to our office.
 - a. Transfer to attorney ONLY with attorney ok. DO NOT transfer to attorney voicemail. Take a message yourself and send it to the attorney. You do not have to decide whether the reason for the call is something we will help them with. You only have to say, "I will leave the Attorney a message that you are trying to get _____ done and they will help you if they can."
 - b. You may transfer to Jericho for Mille Lacs Cty furlough questions if Jericho is in.
 - c. DO NOT transfer anywhere other than directly to an attorney (or Jericho).
 - d. DO NOT transfer to government center.

GENERAL ETIQUETTE:

- Serve those in person FIRST. It is ok to let the phone ring if you are focusing on someone here.
- If an attorney isn't here or is unavailable to take a call, say, "I'm sorry, they are unavailable right now," or "I'm sorry, they are working with a client right now," etc. Then offer to take a message. DO NOT say that we just told you to take a message. DO NOT provide the location of any BMLS staff member to anyone.

Intake Procedures

Every attorney in the office is assigned civil intake duty. Civil intakes are assigned based upon service area criteria. Criminal attorneys may also be required to do this if a shift in workloads requires it. During that week they will be sent civil intake sheets from the paralegal. It is the attorney's job to get back to them within a reasonable time (the goal is within 72 hours). The receptionist or civil admin will gather general information - about the client and about the reason for their call and then pass that on to the paralegal for conflict review and attorney assignment. Whoever fills out the intake sheet initially will make sure that they are adding the client's name, date called, category of legal issue on the Google doc spreadsheet.

The receptionist or civil admin will be **required** to ask about any upcoming **court dates** to the issue they are calling about - they will need to figure out from the clients the time and place of court and notify the assigned attorney on the intake sheet and in the email to the paralegal with the intake sheet attached. These should receive the highest priority when the attorney is calling clients back to either inform the client that someone from our office will be there or that the client needs to make other arrangements for representation.

Once the paralegal has the civil intake sheet, they will attempt to gather more information with regards to the client's legal problem. The paralegal will try to learn as much about the background problem, the other parties involved and any pending legal issues there might be. It is important to learn about any opposing or adverse parties to the case to **check for possible conflicts**. Conflict checks can be performed on the open civil case log or electronic case management system. If the intake is a conflict, please pass the intake on to Paralegal/Office Manager who will assign it to one of the conflict attorneys.

If the client is not a conflict and is calling about an issue regarding divorce, custody, child support, probate, estate planning, adoption, or guardianship please send that client a letter with a matching questionnaire informing that once we receive they questionnaire back we can then open up a case for them. Questionnaires can be found on the server.

The attorney needs to update the civil intake Google doc with regards to the date and attempts on contact, the adverse or other parties to the issue involved, and a brief overview of what the client's legal issues are. This needs to stay up-to-date.

The attorney should be documenting all attempts of contact on the civil intake Google doc. If time passes and the attorney has not been able to make contact with the client, the attorney should send a 10-day letter to the client's address listed on the intake. Examples of letters can be found on the server. The letter needs to state the attempts at contact and that we will be closing the intake unless we hear back from them within 10 days from the date the letter was written. Attorneys should attach a copy of the letter to the intake and hold on to it until the 10 days has passed. If no contact is made, put that a 10-day letter was sent on the Google do and please give the intake and letter to Civil Administrative Assistant.

If the attorney feels as though the case should be opened as a file that our office takes on, the intake should be brought to Paralegal/Office Manager with notes that the attorney and client discussed and an overview of what needs to be done or has been done on the file. Once it is given to Paralegal/Office Manager, she will assign it to an attorney and have the file opened.

The attorneys will also be performing brief services (BS) or advice only (AO). Brief services intake are intakes that should not be opened as files because they can be solved with telling the client about what they need to do or by just writing a letter on their behalf - things that are easy and simple. Ex: writing a landlord a letter about the client getting their property back; helping client fill out a small claims court complaint; or creating a document for delegation of parental authority. Advice only intakes that can be handled with talking a client through a situation like how they can get a W2 from a past employer or how to establish child support. Advice only are issues that are easier to solve.

Many of the BS and AO cases will need to be researched by the attorney handling that intake week. Most information can be gathered by a Google search but that attorney can also send out an email or talk to the other attorneys in the office to see if they know the answer to the client's issue or at least what the next steps should be. The intake attorney can tell the client that they need to research their issue and will be in touch with them (give the client the date you will call back on).

There are areas of law and areas of Minnesota that BMLS does not cover. These are the Out of Service Area (OSA) cases.

Cases we do not accept: small claims court, law suits for money damages, medical malpractice, personal injury, worker's comp, employment discrimination, wrongful termination, bankruptcy, civil commitments, federal cases, any civil cases outside our service area.

Cases we do take: CHIPS, family law, third party custody, public benefit cases, probate, estate planning, health care directives, housing, adoption, guardianships, child support modifications, debt collection, social security, ICWA cases, OFP, HRO

Counties we service for civil cases: Mille Lacs, Crow Wing, Aikin, Pine, Ramsey, Hennepin and sometime Sherburne

When any of these types of cases come up inform the client that it is either out of our service area and they can always contact other legal aid offices. If it is a case that is not a type of case that we accept, you can refer them to someone in the area that does accept cases like that. On the civil intake Google doc note that you informed the client of this and put down OSA in the log and the date you told the client.

Closing Civil Files:

1. Ready the file for closing with clear notes or final closing letter at the top
2. File the Motion to Withdraw with Tribal Court, place a copy in the file.
3. File goes to Civil Admin with closing notes on the intake form or with a separate case note for closing.
4. Civil Admin moves file from open to closed on server
5. Civil Admin readies the file for archiving (contents of file in reverse chrono order & hole-punched into file) & archives

CHAPTER 2- ESTABLISHING A CASE RECORD

Standards for the Provision of Civil Legal Aid: Standard 5.5

A legal aid organization should establish and maintain an electronic file in its case management system or a hard-copy file for each of its cases, which records all material facts and transactions, provides a detailed chronological record of work done, and sets forth a planned course of action. In addition, an organization should have policies regarding retention of client files and information data, as well as policies that are consistent with ethical and legal responsibilities regarding whether and how client information may be shared with external entities with clients' informed consent.

An organization should integrate electronic and hardcopy files so that all documents and records, including records of telephone, text, and email conversations, can either be found in one place or are appropriately linked, so that all practitioners working on the case have immediate access to all pertinent information. Organizations should also have systems in place to ensure that all electronic files are backed-up on a regular basis to protect against accidental loss.

POLICY:

A file will be created for every BMLS case that BMLS provides legal services to. Files shall have a label with participant name, court file number, and case caption. Folders will be filed in alphabetical order by client last name. All intake forms will remain in the clients file for the life of the case. An electronic client file will be created for every intake. Each case matter will have an electronic file created in designated case management software.

Procedure – Civil Matter:

Paper/Hard File

1. Determine if BMLS already has an existing case record for the applicant, if so, place the new intake form and documentation in the existing case file.
2. If there is not an existing case file, create a new case file folder for the application and documentation using the following for the file folder label:
 - Court File Number
 - Client Name
 - Case Caption
3. Print out the Intake Form and all other documents provided by the assigned staff attorney.
4. Place Intake form on the inside left of the file folder.
5. Place All other documents on the right side of the file folder.
6. Signed Limited Scope of Representation sheet should be added to the file.

Electronic Files

Electronic case management systems ensure uniform file maintenance and provide the capacity for quick retrieval of files from any location. These systems also permit easy access to files to facilitate supervisory review of a practitioner's work and sharing of files among multiple practitioners who may be working together on a case.

Electronic/Case Management File

1. Convert the intake to a case file in electronic case management system. Assign the new case to the assigned attorney.
 - Enter the Court File Number- Case Caption. (Ex: In the Matter of:)
 - Enter the Court File Number;
 - Add all client identifying information;
 - Enter the Practice Area;
 - Enter the date opened;
 - Enter the Description of the case matter;
 - Indicate conflict check, enter all identified conflict data;
 - Enter Lead Attorney
 - Enter Link Case ID number.
2. Update the Case Notes section and transfer the case file to the appropriate staff attorney to begin working.
3. Organization of the File Folder
 - a. Section I: Intake
 - Intake Form
 - Legal Scope of Representation
 - Certificate of Representation
 - b. Section II: Court Documents
 - Motions
 - Summons and Petitions
 - Request for Personal Service/Affidavits
 - DNA Test Results
 - c. Section III: Other Court Forms
 - Court Reports
 - d. Section IV: Any Additional Information
 - Trial Exhibits
 - Witness Lists
 - e. Section V: Case Correspondence
 - Correspondence received from Party
 - BMLS Documents and Forms Sent

Procedure – Criminal Matter:

Standards for the Provision of Civil Legal Aid: Standard 5.5

A legal aid organization should establish and maintain an electronic file in its case management system or a hard-copy file for each of its cases, which records all material facts and transactions, provides a detailed chronological record of work done, and sets forth a planned course of action. In addition, an organization should have policies regarding retention of client files and information data, as well as policies that are consistent with ethical and legal responsibilities regarding whether and how client information may be shared with external entities with clients' informed consent.

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Electronic/Case Management File

7. Convert the intake to a case file in electronic case management system. Assign the new case to the assigned attorney.
 - a. Enter the Court File Number- Case Caption. (Ex: In the Matter of:)
 - b. Enter the Court File Number;

Band Member Legal Services
Policy and Procedure
Manual

- c. Add all client identifying information;
 - d. Enter the Practice Area;
 - e. Enter the date opened;
 - f. Enter the Description of the case matter;
 - g. Indicate conflict check, enter all identified conflict data;
 - h. Enter Lead Attorney
 - i. Enter Link Case ID number.
8. Update the Case Notes section and transfer the case file to the appropriate staff attorney to begin working.
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- f. Section I: Intake
 - Intake Form
 - Legal Scope of Representation
 - Certificate of Representation
 - g. Section II: Court Documents
 - Motions
 - Summons and Petitions
 - Request for Personal Service/Affidavits
 - DNA Test Results
 - h. Section III: Trial Documents
 - Witness and Exhibit Lists
 - Discovery
 - i. Section IV: Any Additional Information
 - j. Section V: Case Correspondence
 - Correspondence received from Party
 - BMLS Documents and Forms Sent

A. ESTABLISHING ACCESS TO CASE FILE/RECORDS

Staff often find themselves responsible for cases they did not initiate. This occurs because of staff turnover, organization restructuring, or temporary absences for illness or vacation. Complete, current files make it possible for a new practitioner to take up a case with minimum delay or disruption to the client relationship. Electronic case management systems and the integration of electronic and hardcopy files make the transfer of cases to a new practitioner relatively simple and seamless, and they help ensure that the new practitioner has all the case information necessary to effectively represent the client.

POLICY:

All case files are considered to be confidential. All case files contain personally identifiable information (PII). PII information is information that is connected to a specific individual that can be used to uncover that individual's identity, such as their social security number, full name, email address, mailing address, or phone

number.

A case file is considered to be a hard paper copy or electronic record that contains:

- a. PII information;*
- b. Attorney-Client privileged information;*
- c. Court related documents and materials;*

Case files are considered confidential and are not to be accessed without proper permissions.

Procedure for Permissible Case Access:

1. There are times that case matter is required to be used to perform the assigned tasks and duties of BMLS staff.
2. The staff attorney is the custodian of a case file.
3. A staff attorney may assign a task to be performed by office staff, within their duties as defined in the corresponding job description.
4. Upon an assigned task from the staff attorney, BMLS staff may request to access the case file from the staff attorney in writing. This written request will be sent via Mille Lacs Band of Ojibwe email to the assigned staff attorney.
5. The written request will be saved in the hard file and in the electronic file.
6. The staff attorney will determine the necessary information to be shared with the BMLS staff pursuant to the written request.
7. The staff attorney will grant permission to ONLY the necessary documents necessary to complete the assigned task to the BMLS staff member.
8. If the documents requested are stored electronically, the BMLS staff member will be granted electronic access to the necessary document. If the document requested is paper, the BMLS staff will check out the paper file. The staff attorney will maintain a record of each file that is checked out.
9. The BMLS staff member may NOT copy, print, or disseminate ANY documents from the hard paper file or electronic file.
10. Clients may request access to case file documents. The staff attorney will determine the documents that may be shared with the client. The staff attorney will make a copy of any document deemed to be shareable with the client and provide a copy of these documents to the client. If the documents are available through electronic means, the staff attorney will share the document via the electronic case management system.
11. The staff attorney will note the paper file with the documents released to the client.

Band Member Legal Services
Policy and Procedure
Manual

12. The electronic case management software will track the sharing and accessing of documents by clients and BMLS staff.

CHAPTER 3: SAFEGUARDING INFORMATION

MN Rules of Professional Conduct: Rule 1.6

ABA Standard on Protecting Client Confidences: 5.4

Consistent with their ethical and legal responsibilities, a legal aid organization and its lawyers must protect information relating to representation of a client and information relating to the prospective representation of an applicant. They have an obligation to take reasonable steps to prevent inadvertent or unauthorized disclosure and inadvertent or unauthorized access to such information and should have policies in place to respond to a breach of security, including informing clients, funders and individuals impacted by the breach.

A. CONFIDENTIALITY AGREEMENT

Policy:

All BMLS staff will be required to sign a Confidentiality Agreement. BMLS staff must adhere to confidentiality policies when involved with processing child support cases as established by tribal, state and federal confidentiality policies. Personal information received by or maintained by the MLB TCSP must be strictly limited to purposes directly connected with the administration of TCSP. Unauthorized use or disclosure of information related to the establishment of paternity and/or a child support order, modification and/or enforcement of a child support order, may be grounds for disciplinary action or immediate termination pursuant to Mille Lacs Band of Ojibwe Personnel Policy.

BMLS Employees are also required to follow all Mille Lacs Band of Ojibwe Personnel Policies regarding confidential information. Pursuant to MLBO Personnel Policies- Nondisclosure of Confidential Information, BMLS employees shall sign a confidentiality or non-disclosure agreement as a condition of employment. (MLBO PP Manual p.33)

Procedure:

1. The BMLS Managing Attorney must go over and explain the BMLS Confidentiality Agreement with each employee.
2. Any employee of MLB TCSP must sign the BMLS Confidentiality Agreement annually as a condition of employment.
3. The original signed Confidentiality form is filed in the employee's personnel file. The employee should be provided with a copy of the form for their personal record.

Policy:

1. BMLS Staff will sign the Employee Confidentiality Form:

Band Member Legal Services
Policy and Procedure
Manual

As an employee of Band Member Legal Services, I acknowledge that I have been instructed regarding the confidentiality of all firm business, activity and records and except as required by law in the course of my duties, or where instructed in writing by management, I am aware that all firm books, records, files and memoranda are to be treated in strict confidence. I pledge that I will not disclose information relating to the firm, its business or its clients during my employment or after the termination thereof whether such termination be voluntary or involuntary. I understand that any breach of confidentiality will be grounds for my immediate dismissal as a firm employee.

This the _____ day of _____, 20__.

Signature

Witness

2. BMLS Staff will read and sign the Confidentiality of Matters Related to the Firm form:

It is the policy of Band Member Legal Services that matters related to the firm and its practice are not to be discussed in the presence of any unauthorized persons. It is understood that some of the matters in the office are sufficiently interesting to tempt personnel to engage in conversation that may breach the rule of confidentiality. Therefore, it is extremely important that everyone exercise extreme care in this area. The information received in the office is the private property of the client and aside from the embarrassment that would result from any unauthorized disclosure, there is the likelihood of creating legal liability and prejudice to the client's case. Additionally, attorneys keep sensitive material that may be of a confidential nature, either as to the firm, its personnel, to themselves, or to their clients. To avoid any violations of that confidentiality in the attorney's absence, under no circumstances should an attorney's office be offered for use to a client, vendor, or other unauthorized person without the consent of the attorney or his or her administrative secretary or, in their absence, the Director of Administration. In addition to the client matters, some personnel must routinely handle pay and personnel information as a result of their normal duties. This information must be treated with the utmost sensitivity and confidentiality. A breach of confidentiality with respect to any client matter or internal matters, including pay or personnel, will be considered reason for immediate dismissal.

BAND MEMBER LEGAL SERVICES

This will confirm that I, the undersigned, have read and agree to abide by the provisions of the foregoing stated policy as it relates to the confidentiality and the law firm.

This the _____ day of _____, 20__.

Signature

3. BMLS Staff will read and sign the Attorney-Client Privilege Confidentiality Agreement

Band Member Legal Services
Policy and Procedure
Manual

CONFIDENTIALITY AGREEMENT

It is impossible to overstate the importance of the attorney-client privilege. So sacred is the relationship between lawyer and client that information given to the lawyer by the client is "privileged communication") the lawyer cannot be compelled to testify concerning it. This bedrock principle between attorney and client creates the trust and confidence required for proper representation. Band Member Legal Services' clients are the most important people with whom we interact.

In the course of your work with Band Member Legal Services you will undoubtedly have access to confidential client information. It's one of your most serious responsibilities that you in no way reveal any such information and that you use it only in the performance of your duties. Should you have doubts about what might be considered confidential information or a violation of trust, you should seek advice from the Managing Attorney.

Employees are responsible for the internal security and safekeeping of such information. It is your responsibility to read and follow the policies on protecting information.

Proprietary and confidential information can take many shapes, including, but not limited to; the names of clients the firm represents or the fact of their visits to the office, documents, notes, overheard conversations, tapes, diskettes, personal observations, records, research, financial statements, licensing, trust funds, criminal records, strategic plans, emails, research proposals, or allegations made by others about our clients.

Employees will be required to sign a statement of confidentiality at the time of hire and annually throughout their term of employment to acknowledge their awareness of, and to reaffirm their commitment to, this policy.

Employees are expected not to divulge, during their term of employment or after their employment is terminated, any information confidential or proprietary information acquired during their employment.

Information regarding the operations, activities, and business affairs of the firm are also to be kept confidential and not discussed with outsiders.

Employees found to be in violation of the firm's confidentiality policies are subject to disciplinary action, up to and including termination, and may also be subject to civil and/or criminal penalties for violations.

In preserving the security of files and information, the following are to be observed:

1. Disclosing information -- Information in office files should never be disclosed, except upon express authorization of the lawyer handling the case.
2. Delivery of documents -- Documents or files are to be turned over only to persons who are properly identified or vouched and when authorized by the lawyer handling the matter.
3. Disposal of confidential papers. All confidential papers should be destroyed when no longer needed. This includes rough drafts or interim copies. A paper shredder area located in the office for that purpose.
4. Revealing client's business. One client's business is never to be discussed with another client. As a general policy, it is best not to mention one client's name to another.
5. Discussing firm matters. Do not discuss client matters when clients or visitors are present, particularly in the reception or kitchen areas. A visitor or client who overhears information concerning another of our clients will feel that his or her personal affairs will receive the same lax treatment.

I have read, understand and agree to the provisions herein.

Employee Signature

Date

B. CONFLICT OF INTEREST

MN Rules of Professional Conduct: Rule 1.7, 1.8, 1.9, 1.10, 1.11

POLICY:

BMLS will take all precaution to avoid the appearance of impropriety related to conflicts of interest. If any BMLS employee has reason to believe that their relationship between themselves as an employee of the BMLS and a party to a BMLS case, they must inform the Managing Attorney of BMLS immediately.

BMLS employees have a duty to inform the Managing Attorney of any conflicts which may reasonably appear to call into questions the employee's ability to assist clients in an impartial manner.

If the BMLS Managing Attorney has a conflict of interest, he/she must notify the BMLS Board of Directors immediately.

Procedures:

The Director of the MLB TCSP will use the following procedures to "cure" all conflicts of interest

1. If a conflict exists between an employee and a party to a case, the BMLS employee will be permanently denied access to the party case files and information. The conflicted employee shall not have access to the case file and should be stored in a secure location in the assigned attorney's office. Inform the conflicted employee that they must refrain from discussing the case with the parties.
2. If a conflict exists between an Administrative Assistant and a party, the staff attorney or paralegal assigned to the case must carry out all administrative duties associated with that case. The conflicted Administrative Assistant shall not have any access to the case file and should be stored in a secure location in the assigned staff attorney's office. All BMLS employees must refrain from discussing the case with the conflicted Administrative Assistant. The Administrative Assistant must refrain from discussing the case with the parties.
3. If a conflict exists between the BMLS attorney and the party, the matter will be referred to a contract conflict attorney. The conflicted attorney/ BMLS Office shall not have access to the case.
4. If the contract conflict attorney determines that there is a conflict between themselves or their office the contract conflict attorney shall notify BMLS immediately. The Managing Attorney will identify regional legal aid agencies that the conflict party may contact. The Managing Attorney may use the assistance of BMLS legal staff to conduct the notice to the conflicted party. The conflict shall be noted in the electronic case management system notes. A letter shall be mailed to the conflicted party with the regional legal aid services available to them. The

letter shall be saved in the electronic intake file for the conflicted party.

5. Any party identified as a conflict for services shall be noted in the electronic intake, and the intake shall be denied due to "Conflict".
6. The BMLS Board of Directors may inquire as to the nature of the conflict determination. The BMLS Board holds the authority to reverse conflict determinations, only after reviewing ALL the relevant factors used to determine the conflict of interest to the identified party.

- **MN Rules of Professional Conduct- Rules 1.7: Conflict of Interest: Current Clients:**

Rule 1.7 Conflict of Interest: Current Clients (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person, or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing.

- **MN Rules of Professional Conduct- Rules 1.8: Conflict of Interest: Current Clients: Specific Rules**

Rule 1.8 Conflict of Interest: Current Clients: Specific Rules

(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security, or other pecuniary interest adverse to a client unless:

(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;

(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and

(3) the client gives informed consent, in a document signed by the client separate from the transaction documents, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

(b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these rules.

(c) A lawyer shall not prepare an instrument giving the lawyer or a person related to the lawyer as parent, child, sibling, or spouse any substantial gift from a client, including a testamentary gift, except where the client is related to the donee.

(d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter;

(2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client; and

(3) a lawyer may guarantee a loan reasonably needed to enable the client to withstand delay in litigation that would otherwise put substantial pressure on the client to settle a case because of financial hardship rather than on the merits, provided the client remains ultimately liable for repayment of the loan without regard to the outcome of the litigation and, further provided,

that no promise of such financial assistance was made to the client by the lawyer, or by another in the lawyer's behalf, prior to the employment of that lawyer by that client.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

- (1) the client gives informed consent or the acceptance of compensation from another is impliedly authorized by the nature of the representation;
- (2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and
- (3) information relating to representation of a client is protected as required by Rule [1.6](#).

(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients unless each client gives informed consent in a writing signed by the client. The lawyer's disclosure shall include the existence and nature of all the claims involved and of the participation of each person in the settlement.

(h) A lawyer shall not:

- (1) make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless the client is independently represented in making the agreement; or
 - (2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith.
- (i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:
- (1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and
 - (2) contract with a client for a reasonable contingent fee in a civil case.
- (j) A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced. For purposes of this paragraph:
- (1) "sexual relations" means sexual intercourse or any other intentional touching of the intimate parts of a person or causing the person to touch the intimate parts of the lawyer;
 - (2) if the client is an organization, any individual who oversees the representation and gives instructions to the lawyer on behalf of the organization shall be deemed to be the client; in-house attorneys while representing governmental or corporate entities are governed by Rule [1.7](#) rather than by this rule with respect to sexual relations with other employees of the entity they represent;
 - (3) this paragraph does not prohibit a lawyer from engaging in sexual relations with a client of the lawyer's firm provided that the lawyer has no involvement in the performance of the legal work for the client;
 - (4) if a party other than the client alleges violation of this paragraph, and the complaint is not summarily dismissed, the Director of the Office of Lawyers Professional Responsibility, in determining whether to investigate the allegation and whether to charge any violation based on the allegations, shall consider the client's statement regarding whether the client would be unduly burdened by the investigation or charge.

(k) While lawyers are associated in a firm, a prohibition in the foregoing paragraphs [\(a\)](#) through [\(i\)](#) that applies to any one of them shall apply to all of them.

- **MN Rules of Professional Conduct- Rules 1.9: Duties to Former Clients**
Rule 1.9 Duties to Former Clients

- (a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.
- (b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client whose interests are materially adverse to that person and about whom the lawyer had acquired information protected by Rules [1.6](#) and [1.9\(c\)](#) unless the former client gives informed consent, confirmed in writing.
- (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
 - (1) use information relating to the representation to the disadvantage of the former client except as these rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these rules would permit or require with respect to a client.

- **MN Rules of Professional Conduct- Rules 1.10: Imputation of Conflicts of Interest: General Rule**
Rule 1.10 Imputation of Conflicts of Interest: General Rule

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rule [1.7](#) or [1.9](#), unless the prohibition is based on a personal interest of the prohibited lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.

(b) When a lawyer becomes associated with a firm, and the lawyer is prohibited from representing a client pursuant to Rule [1.9\(b\)](#), other lawyers in the firm may represent that client if there is no reasonably apparent risk that confidential information of the previously represented client will be used with material adverse effect on that client because:

(1) any confidential information communicated to the lawyer is unlikely to be significant in the subsequent matter;

(2) the lawyer is subject to screening measures adequate to prevent disclosure of the confidential information and to prevent involvement by that lawyer in the representation; and

(3) timely and adequate notice of the screening has been provided to all affected clients.

(c) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected by Rules [1.6](#) and [1.9\(c\)](#) that is material to the matter.

(d) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule [1.7](#).

(e) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule [1.11](#).

- **MN Rules of Professional Conduct- Rules 1.11: Special Conflicts of Interest for Former and Current Government Officers and Employees**

Rule 1.11 Special Conflicts of Interest for Former and Current Government Officers and Employees

(a) Except as the law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:

(1) is subject to Rule [1.9\(c\)](#); and

(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.

(c) Except as the law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this rule, the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.

(d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:

(1) is subject to Rules [1.7](#) and [1.9](#); and

(2) shall not:

(i) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing; or

(ii) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer, or arbitrator may negotiate for private employment as permitted by Rule [1.12\(b\)](#) and subject to the conditions stated in Rule [1.12\(b\)](#).

(e) As used in this rule, the term "matter" includes:

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and

(2) any other matter covered by the conflict-of-interest rules of the appropriate government agency.

C. RELEASE OF INFORMATION

Confidentiality. As with all representation, a duty exists with respect to confidentiality.¹¹⁷ Even when an attorney-client relationship has not been formed and legal information, not legal advice, is given to the client, the organization cannot voluntarily disclose to others information provided by participants. Per Rule 1.6, an organization must treat the information as confidential even if the organization may not be able to protect it from involuntary disclosure by asserting an attorney-client privilege. The organization should avoid gathering more information about participants' specific circumstances than required to evaluate whether to undertake a representation or offer appropriate legal information. They should operate under the assumption that less information is better and have clear data retention policies by type of relationship with the person seeking assistance.

When asked for information use the following procedures:

- If a phone call is received, ask for the name of the individual and the assigned attorney. DO NOT provide any information to the caller regarding PII protected information.
- If someone other than the client is calling, take the name and phone number of the person calling. Let the caller know that you will have an attorney return their call. DO NOT release any information pertaining to client representation or PII information.
- BMLS does not release ANY information relating to case matters. Standard protocol is to take a message from anyone calling and send the message to the respective assigned attorney. If there is not an assigned attorney then send the message to the Managing Attorney.
- Any information that is to be obtained on behalf of BMLS clients- obtain a signed Release of Information from the client. The Release of Information shall provide the information that is being released, the entity that the information will be released from, the dates of information authorized to be released, and an expiration permission of the release of information. The client will sign and date the Release of Information. This Release of Information shall be stored in the electronic and hard file for the duration of the case.

1. Client Requests:

Clients are entitled to certain materials contained in their case files:

- ALL client requests must be referred to the assigned attorney.
- The assigned attorney will determine the materials that may be released to the client.

- The assigned attorney may assign the duty of copying and mailing identified materials to the client, to administrative staff of BMLS.
- The client electronic file and hard file shall be documented to include the materials released to the client, the date of the release, and the address or method of delivery to the client.

D. BMLS GENERAL OFFICE POLICY

Policy:

BMLS staff will have individual passwords that are to be kept confidential. Passwords will be changed every forty-five (45) days.

Procedures:

Several safeguards are enforced by BMLS to assist in the protection of case/participant information.

1. Passwords

- Individual passwords will be assigned to each BMLS staff person
- Passwords will be kept confidential and never displayed on-line or publicly or given out to anyone
- Passwords written on a piece of paper cannot be left in open view or in an unsecured place
- If you believe your password has been compromised, change it immediately and notify your supervisor

2. PC Workstation

- PCs should be placed on the employees' desk to avoid the information from being seen by anyone other than assigned BMLS staff person
- No computer desktop or laptop should be left "open" with a BMLS case displayed on the screen. All employees must utilize a logon password and employee standard computer privacy settings for putting the computer to "sleep" and shutting down. Log off your computer when leaving your desk for the restroom, break, lunch, meeting, appointment or for any other reason which requires you to be away from your desk

3. Case Files

- No BMLS case files should be left open on any employee's desk when the employee is out of the office on break, lunch or away for an appointment. All case files should be filed in the appropriate file space.
- When interviewing a client or carrying on a discussion with a client about their case or actions being taken on their case, these discussions should occur in a private area when other clients or visitors to the office cannot hear what is being discussed.
- Do not throw paperwork containing personal information away in the waste basket. All documents containing case information must be shredded.
- All office doors and lockable desk and filing cabinet drawers must be locked at

the close of business each day.

E. EMPLOYEE VIOLATION OF CONFIDENTIALITY

Policy:

Violation of the confidentiality agreement may result in disciplinary action, civil fine and/or immediate termination.

Procedures:

1. Whenever an employee becomes aware of a possible violation of confidentiality, it should be reported to the BMLS Managing Attorney immediately.
2. Any staff person witnessing unauthorized release of information or inappropriate use of personal case information should report the action to a supervisor immediately.
3. It is the responsibility of the BMLS Managing Attorney to investigate and handle all potential incidents of possible violation of confidentiality by a BMLS employee and to work with the appropriate Human Resources staff in following proper HR procedures.

F. SOCIAL MEDIA POLICY

Policy:

Social media refers to the means of interactions among people in which they create, share, and/or exchange information and ideas in virtual communities and networks.

Violation of the social media policy agreement may result in disciplinary action, civil or criminal action, fine and/or immediate termination.

Procedures:

1. Practice respect for clients, competitors, our lawyers and staff, vendors and other business partners in any posting on social media sites.
2. Do not post any defamatory, libelous, abusive, threatening, racially/ethnically hateful or illegal information or material on any site under an identity that can be tied to your employment with BMLS. This includes any posting under a screen name behind which is a profile – even if “private” – that includes your actual identity, whether or not that profile itself identifies you as an employee of BMLS.
3. Postings should not include BMLS logo or other identifiers unless this has been approved by the BMLS Board of Directors.
4. If a negative post or comment is found online about BMLS, a client or you in a

business context, do not counter with another negative post. You should seek assistance from the Managing Attorney and BMLS Board of Directors.

5. Do not give legal advice or form attorney-client relationships when using social media. BMLS' standard intake procedures should be used to avoid conflict or other ethical problems.
6. When you participate in social networking or use social media, use common sense and good judgment when posting or sharing material. There may be consequences that can include, among other issues, negative publicity, regulatory attention and confidentiality or copyright concerns.

CHAPTER 4 –Employment

A. Employment Category

Purpose:

It is the intent of Band Member Legal Services to clarify the definitions of employment classifications so that employees understand their employment status, responsibilities, and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

Policy:

Each position at Band Member Legal Services is designated as an Exempt or Non-exempt position based on many factors, including federal wage and hour laws.

Non-exempt employees are paid on the basis of hours worked and will receive pay at 1.5 times their regularly hourly rate for each additional hour worked in excess of 40 hours in a week.

Exempt employees are excluded from specific provisions of federal wage and hour laws, including overtime pay. Exempt status only addresses how an employee is paid: exempt employees must still be at work or be absent with an excuse.

Procedure:

Each employee will belong to one employment category:

1. **REGULAR FULL-TIME** employees are those who are not in a temporary or introductory (probationary) status and who are regularly scheduled to work the Mille Lacs Band/Band Member Legal Services' full-time schedule of 40 hours per week. However, employees working 32 hours or more and having written consent by the department head are considered regular full-time. Generally, they are eligible for the Mille Lacs Band's benefit package, subject to the terms, conditions, and limitations of each benefit program.
2. **INTRODUCTORY (probationary)** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with Mille Lacs Band/Band Member Legal Services is appropriate. Probationary periods run for 90 days. However, the probationary period can, at the respective Managing Attorney's discretion and based on performance concerns, be extended up to one year. During the probationary period, either the probationary employee or the Mille Lacs Band may terminate the employment relationship at will, with or without cause and with or without advance notice. Accordingly, the sections in BMLS Personnel Policies regarding just cause and

termination procedures do not apply to a probationary employee. However, a regular full-time employee who accepts a transfer, promotion or non-disciplinary demotion cannot be terminated at-will during a subsequent probationary period associated with the new employment position.

3. TEMPORARY (interim) employees are those who are hired as acting replacements to temporarily supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are outlined in Transfers #1.0019. Employment beyond any initially stated period does not imply a change in employment status. Temporary employees retain said status until notified of a change. It is not the intention of this policy to allow the temporary hire of an individual for more than six (6) months. While temporary employees receive all legally mandated benefits (i.e., workers' compensation insurance and Social Security), they are ineligible for all of the other Mille Lacs Band/Band Member Legal Services' benefit programs.
4. PART-TIME employees are those who are not assigned to a temporary or introductory (probationary) status and who are regularly scheduled to work less than 30 hours per week. While they receive all legally mandated benefits (i.e., Social Security and Worker's Compensation insurance), they are ineligible for all of the other Mille Lacs Band/Band Member Legal Services' benefit programs.

B. Attendance and Punctuality

Purpose:

The purpose of this policy is to maintain a productive work environment. BMLS expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and the effective regulation of gaming.

Policy:

Poor attendance and excessive tardiness will lead to disciplinary action, up to and including termination of employment as outlined below. Attendance and punctuality issues that have reached written counseling are appraisal affecting.

Procedure:

1. In the rare instances when employees cannot avoid being late to work, or are unable to work as scheduled, employees shall notify their Supervisor or Managing Attorney in advance of the anticipated tardiness or absence. Such notification must include a reason for the absence or tardiness and an indication of when the employee can be expected to report to work. If the employee's Supervisor or Managing Attorney is unavailable, he/she shall notify his/her respective supervisor or Managing Attorney.
2. Supervisors or Managing Attorney shall track employee attendance and the reasons provided for absences or tardiness in employee records. Each incident must contain the type

of incident, whether or not it was excused and any other pertinent information in the Comments section of the record.

3. Employees shall be ready to work at their scheduled start time according to department guidelines. Occurrences will be documented as one of the following incidents:
 - a. Late- an employee who reports to work after the scheduled start time will be marked as "late-# of minutes). Each incident will be tracked on the employee calendar.
 - b. Late/Excused- an employee who reports they will be late to their direct supervisor before their scheduled start time will be able to utilize sick or annual time for their unexpected absences.
 - c. Late/Unexcused- an employee who fails to report their absence prior to their expected start time will be unable to utilize annual or sick time for their unexpected absence, unless the absence is deemed an emergency.
 - *Emergency- an urgent, sudden, and serious event or an unforeseen change in circumstance that necessitates immediate action to remedy harm of avert imminent danger to life, health, or property.*
 - d. No Call No Show- an employee that does not call prior to the start of their shift or report to work as scheduled will be deemed to be a "no call no show" for their shift. This will be tracked on their employee calendar. Three consecutive shift "no call no show" status' will be grounds for termination.

C. TIME KEEPING/ACTIVITY LOG

1. Employees are expected to keep a record of all tasks, duties, and assignments they have completed each day.
 - a. All administrative staff will record their work activity throughout the day.
 - b. All administrative staff may be asked to provide activity logs to the Managing Attorney.
 - c. Legal staff have the capability to utilize electronic case management software to document work productivity. The billable hours recorded in the electronic case management system.
 - d. All client interactions, calls, emails, and other correspondence will be documented in the electronic case management system.

D. REMOTE WORK/HYBRID WORK

1. Remote work is defined as a flexible work arrangement in which an employee, under a written remote work agreement is scheduled to perform work outside the designated main office. Remote work can be full time, temporary, or part time.
2. Hybrid Work is defined as a flexible work arrangement in which an employee, under a written remote work agreement, is scheduled to work both in designated main office and outside the office.
3. The Managing Attorney holds the discretion to assign staff to Remote or Hybrid work options as the workload requires.
 - a. Remote Workload Determining Factors:
 - i. Court appearances
 - ii. Client needs (outside business hour workload)
 - iii. Case management needs
 - iv. Investigatory Purposes

- v. Document Retrievals
- vi. Document Reviews
- vii. Research Purposes
- viii. Staffing needs

E. STAFF POSITION PROCEDURES-JOB DESCRIPTION SPECIFIC

BMLS-REC-0001

BMLS-CIVADMN-0002

BMLS-CIVCASMGR-0003

BMLS-PARA-0004

**MILLE LACS BAND OF OJIBWE
BAND MEMBER LEGAL SERVICES-RECEPTIONIST**

Department: Band Member Legal Services-
Reception

Policy Number: BMLS-REC-0001

Policy Title: Receptionist Protocols

Attachments: Work Production Log, Intake
Procedure

Revision History: 03/22/2024

Revised by/Date:

Approved by:

Kerri Johnson, Managing Attorney, BMLS

Date:

Approved by:

BMLS Board of Directors, Chairs

Date:

POLICY STATEMENT: Mille Lacs Band Member Legal Services provides legal representation pursuant to 15 MLBSA Chapter 3. The Receptionist is the main point of contact with the office. The Office Manager will manage and provide oversight of the Receptionist position within the department.

PURPOSE: The purpose of this policy is to provide consistent duties and expectations of the receptionist within the department.

Phone Calls

All calls incoming and outgoing will be documented on the paper phone log. All calls will be documented in the case management software system, MyCase (or any proceeding case management software that is implemented) in the manner of a Lead, case note, and email to the intended recipient.

Voicemail

The receptionist will check the voicemail box each morning to retrieve and document the calls that were received after hours. The receptionist will document each callers name, number, date, and time that the call was received. The receptionist will then send an email with the caller's information to the assigned BMLS staff member. If the caller is requesting services the receptionist will return the call and complete an intake with the caller. The intake will then follow the intake procedure.

Phone Etiquette/Language

The receptionist will field all incoming calls and will obtain the pertinent information from the caller. The receptionist will not provide personal information regarding employees within the office. The receptionist will request the following information to be used for the purpose of identifying potential client information

- 1) Name, address, phone, email, date of birth, Band ID number, adverse party information, additional party information, case/file number, hearing dates/times, and any other relevant information to the intake matter.
 - a) The receptionist will provide the caller with the following message upon completion of an

MILLE LACS BAND OF OJIBWE

intake. "I will send your intake for processing; you will be contacted within 72 hours regarding your intake. Thank you"

- 2) The receptionist will take messages from callers for the office staff. This information will be related to the relevant office staff via email. The receptionist will provide the caller with the following information when a staff member is not available.
"_____ is unavailable at this time, I will take a message and send it to _____, and they will return your call within 24 hours."
- 3) The receptionist will utilize the case management system and office calendar to provide clients with hearing. If the date is unavailable at the time a client calls in to the office the receptionist will send an email request to the assigned attorney for a follow up call to the client.

Walk Ins

The receptionist will greet clients that walk in to the office to request services. Walk In clients will be treated in the same manner as call in clients. The receptionist will complete an intake with the walk-in client. The walk-in client will be provided the information: "Your intake will be sent for processing and you will receive a follow up call within 72 hours."

Forms/Document Requests

The receptionist will provide clients with power of attorney's forms, questionnaires, and blank forms as requested.

Mail

The receptionist is responsible to obtain the mail from the MLB Human Resources mailroom pursuant to the MLB-HR mailroom hours of operation. The receptionist is responsible to open, date stamp, and distribute the mail to the assigned staff member. The receptionist is responsible to bring the outgoing mail to the MLB HR mailroom pursuant to the MLB HR dates of operation. Mail is to be processed the date it is received.

Internal and/or External References	
Compliance - Posting Date	
Replaces - Policy Number	
Next Review - Due Date	

MILLE LACS BAND OF OJIBWE
BAND MEMBER LEGAL SERVICES-CIVIL ADMINISTRATIVE ASSISTANT

Department: Band Member Legal Services-
Civil Administrator

Policy Number: BMLS-CIVADM-0002

Policy Title: Civil Administrator Protocols

Attachments: Work Production Log, intake procedure

Revision History: 03/22/2024

Revised by/Date:

Approved by:

Kerri Johnson, Managing Attorney, BMLS

Date:

Approved by:

BMLS Board of Directors, Chairs

Date:

POLICY STATEMENT: Mille Lacs Band Member Legal Services provides legal representation pursuant to 15 MLBSA Chapter 3. The Civil Administrative Assistance performs administrative and secretarial duties in support of the BMLS office. The Office Manager will manage and provide oversight of the Receptionist position within the department.

PURPOSE: The purpose of this policy is to provide consistent duties and expectations of the civil administrative assistant within the department.

Responsibility

The civil administrative assistant is responsible for the maintenance of all civil files within the BMLS office. The civil administrative assistant is the designated position for back up for the receptionist. The civil administrative assistant is responsible to create paper files for all civil matters as assigned by office legal staff. The civil administrative assistant is responsible to track all civil matters in an open, closed, and completed intake status.

Intake Process

The civil administrative assistant will follow the intake procedure in this position. The civil administrative assistant will open a paper civil file upon directive from legal staff within BMLS. The civil administrative assistant will provide the assigned attorney the paper file.

Open Civil File Process

All open files will be tracked using the bmlaserv/civil files/open civil files. All closed files will be tracked using the bmlaserve/civil files/closed civil files. The civil administrative assistant is responsible to label the file with the following format: LastName, FirstName, File Type, File Number. The civil administrative assistant will ensure that the intake sheet, relevant documents, and label are affixed to the file folder prior to being distributed to the assigned

attorney.

Close Civil File Process

The civil administrative assistant is responsible for closing each paper civil file. The civil administrative assistant is responsible to ensure that the closing document within the paper file is completed by the assigned attorney prior to closing the paper file. The civil administrative assistant will assign a closed file number in the following manner: Year/Numerical order (ex: 2024-0001). The closed files will be filed into the assigned file cabinet within the BMLS office. The civil administrative assistant is responsible for the maintenance and safe keeping of these matters. Civil files are to be closed and processed within 72 hours of receipt from staff attorney. This process is to ensure that client data is safeguarded in a proper firesafe file cabinet, and can be located for future use.

Back Up Receptionist Responsibility

The civil administrative assistant will follow the receptionist policy and procedure when performing back up or receptionist duties. The civil administrative assistant is the first assigned back up for the receptionist position to ensure that proper phone and walk-in coverage within the BMLS office.

Check Request Processing

The civil administrator performs the function of receiving, processing, and distributing office billing statements. The civil administrative assistant will receive the bills and invoices of the BMLS office. The civil administrative assistance will review the invoices and process a check request for the invoice. Each invoice, check request. And back up data (pursuant to MLB OMB procedure) will be documented in the appropriate fiscal year folder on bmlserv/budget/FY/accountline/lineitem. The civil administrative assistant will then forward the check request, invoice, and back up to the office manager for review. Invoices and billing statements will be processed weekly as they are received.

Purchase Orders

The civil administrative assistant is responsible for processing monthly office purchase orders. The civil administrative assistant will process a purchase order for approval pursuant to MLB-OMB policy. The purchase order will be signed by the managing attorney and the civil administrative assistant will then distribute the purchase order to the MLB-OMB assigned officer for signature. The civil administrative assistant will maintain and track office supplies and staff requests for purchasing. These purchases will be approved by the BMLS managing attorney prior to ordering. The civil administrative assistant is responsible to review the orders to ensure that all products are received. The civil administrative assistant is responsible to follow up with purchasing agent regarding discrepancies of an order. The civil administrative assistant will follow up with the office manager regarding purchases and discrepancies for tracking and receipting. The civil administrative assistant will be the contact for vendors and purchase orders within the BMLS office.

Internal and/or External References	
Compliance - Posting Date	
Replaces - Policy Number	
Next Review - Due Date	

**MILLE LACS BAND OF OJIBWE
BAND MEMBER LEGAL SERVICES-CIVIL CAES SUPPORT MANAGER**

Department: Band Member Legal Services-
Civil Administrator

Policy Number: BMLS-CIVCASMGR-0003

Policy Title: Civil Case Support Manager
Protocols

Attachments: Work Production Log, intake
procedure, BMLS Resolution 2021-12

Revision History: 03/22/2024

Revised by/Date:

Approved by:

Kerri Johnson, Managing Attorney, BMLS

Date:

Approved by:

BMLS Board of Directors, Chairs

Date:

POLICY STATEMENT: Mille Lacs Band Member Legal Services provides legal representation pursuant to 15 MLBSA Chapter 3. The Civil Case Support Manager provide supportive services to Band Member Legal Services to clients that are the subject of Child Protection matters. The Managing Attorney will manage and provide oversight of the Civil Case Support Manager position within the department.

PURPOSE: The purpose of this policy is to provide consistent duties and expectations of the civil case support manager within the department.

Responsibility

The civil case support manager position is responsible to provide supportive services to clients subject to child protection matters. The civil case support manager is responsible to conduct compliance assessments of client records and child protection case plans in order to determine client needs for support service assistance. The civil case support manager will assist clients with obtaining supportive services and assist with overall compliance of court ordered case plans within a child protection matter. The civil case support manager will have access to assigned child protection case orders, reports, and assigned legal documents for review. The civil case support manager will monitor client completion of case plans as outlined in the court order and will maintain a record of each completion date. The civil case support manager will maintain a schedule to monitor service compliance. The civil case support manager will assist clients with completing the case plan tasks. The civil case support manager will offer services to clients that include, assistance with scheduling appointments, preparing for appointments and court dates, inter-agency assistance, scheduling transportation with inter-agencies, and record keeping. The civil case support manager will receive assigned cases from BMLS attorney staff.

Client Contact

The civil case support manager will create a contact log for each assigned case matter in MyCase and will track and log each communication with assigned clients. The civil case support manager will call clients weekly to monitor progress of the court ordered case plan. The civil case support manager will assist the client with managing and completing case plan tasks. The civil case support manager will document the tasks assigned to each client weekly and the supportive services that were provided to each client. The civil case support manager will meet with clients in the office, home, or off-site location in order to maintain face to face contact with clients until the case plan has been completed.

Inter-Agency Contact

The civil case support manager will have contact with inter-agencies while providing supportive services to clients. The civil case support manager is expected to collaborate with inter-agency staff in order to assist clients with supportive services that are offered by these agencies. The civil case support manager will obtain the proper signed release of information from the client prior to an outside agency and sharing information. The civil case support manager will ensure that confidentiality and sharing of information is pertinent to supportive services only. Sharing of case information, protected client information, privileged information, or any other information will be pre authorized by the assigned attorney to the matter.

Tracking/Monitoring

The civil case support manager will create a tracking and monitoring system for assigned client file. The tracking and monitoring data will be stored in the MyCase case management software. A tracking and monitoring report will be due to the assigned attorney weekly. The correspondence will be sent via email to the assigned attorney to be placed in the attorney paper file.

Reports

The civil case support manager will provide a compliance report three days prior to the client's court date. The report will include the services identified, services needed, services received, obstacles preventing the client from case plan compliance, and identify needs of the client to be presented to the attorney. The civil case support manager will receive updated directives from the assigned attorney after each hearing to continue services with the client.

Schedule

The civil case support manager will maintain a schedule of case events to ensure the compliance and maintenance of client services are offered within the timelines allowed. The assigned attorney will provide the timelines and deadlines to the civil case support manager and will assign tasks based upon these identified timelines and deadlines.

Investigation/Research

The civil case support manager may ^{or} ~~be~~ ^{ed} need to research supportive services available for clients. Any supportive services identified by the civil case support manager will be provided to the assigned attorney to the matter. The attorney will provide directives to the civil case support manager as needed. The attorney may assign investigation tasks to the civil case support manager during the lifetime of the child protection matter. The civil case support manager will follow the directives of the assigned attorney and will obtain permission for such investigation from the assigned attorney. The civil case manager will not conduct research or investigations without the directive of the

assigned attorney. The civil case support manager will not investigate assigned parties of child protection matters. The civil case support manager will not provide legal arguments to assigned attorneys of the matter. The civil case support manager may suggest

Confidentiality

The civil case support manager will not share client information with anyone other than the client and entities that have been identified with a signed release of information. The case support manager will not provide information regarding legal advice to the client. The civil case support manager will not share personal information with clients. The civil case support manager is expected to maintain a professional relationship with the client at all times. The position requires direct work with clients which can create emotional and stressful challenges. The civil case support manager shall bring issues of such nature to the managing attorney at the earliest possible time in order to document the issues and receive advice prior to moving forward with the client.

Internal and/or External References	
Compliance - Posting Date	
Replaces - Policy Number	
Next Review - Due Date	

**MILLE LACS BAND OF OJIBWE
BAND MEMBER LEGAL SERVICES-PARALEGAL**

Department: Band Member Legal Services-
Paralegal

Policy Number: BMLS-PARA-0004

Policy Title: Paralegal Protocols

Attachments: Work Production Log, intake
procedure

Revision History: 03/22/2024

Revised by/Date:

Approved by:

Kerri Johnson, Managing Attorney, BMLS

Date:

Approved by:

BMLS Board of Directors, Chairs

Date:

POLICY STATEMENT: Mille Lacs Band Member Legal Services provides legal representation pursuant to 15 MLBSA Chapter 3. The Paralegal provide supportive services to Band Member Legal Services to clients and attorneys. The Managing Attorney will manage and provide oversight of the Civil Case Support Manager position within the department.

PURPOSE: The purpose of this policy is to provide consistent duties and expectations of the Paralegal within the department.

Responsibility

The paralegal is responsible for organizing, managing documents, gathering and arranging evidence and other legal documents for attorney review. The paralegal is responsible for calendar maintenance of legal staff, client notifications, and judicial events. The paralegal is responsible for draft correspondence, legal documents, proposed orders, contracts, motions, proposals, stipulations, affidavits, and formal statements. The paralegal is responsible for pre trial and trial preparations in coordination of the legal staff. The paralegal is responsible for client follow up interviews as assigned by legal staff. The paralegal must follow the MN Rules Professional Conduct, Rule 5.03.

Supervision of Non-Lawyer

The paralegal must be supervised by an attorney who is responsible for the paralegal's work. (LPRBO, Opinion No.8) The paralegal is governed under the MN Rules of Professional Conduct, Rule 5.03.

Practice of Law

The paralegal must not engage in, or encourage, contribute to any act which could constitute the unauthorized practice of law. The paralegal must not establish attorney-client relationships, set fees, give legal advice, or represent a client before a court or agency unless authorized by that court or agency.

Client Contact

The paralegal position will maintain contact with clients as assigned by supervising attorneys within the department.

All client contact will be documented in the case management software designated to the case matter. All client contact will be corresponded through email, electronic messaging, or other methods to the supervising attorney. The information will include the date/time/subject matter of the client correspondence.

Calendar

The paralegal will monitor and maintain a centralized calendar for the legal staff within the office. This calendar will include all upcoming meetings, hearings, timelines. The paralegal will ensure that the proper hearing information is attached to each calendar date so that the information may be easily accessible for both staff and clients.

Tracking/Monitoring

The paralegal will track and monitor case matters through the stages of the lifetime of the file. The paralegal is responsible to ensure that all documents are filed into the electronic and paper file. The paralegal will ensure that each client is provided notice of hearings, discovery, and other materials as directed by the supervising attorney of the matter. The paralegal will monitor matters for anticipated preparation for upcoming events within the case.

The paralegal is responsible to review in custody reports as assigned by supervising attorney. The paralegal will follow up with the identified potential clients for statutory required case criteria for acceptance of representation.

Investigation/Fact Finding

The paralegal may be assigned duties of investigatory work by the supervising attorney. The paralegal will follow the directive of the supervising attorney with regard to the scope and authority of the investigatory assignment. The paralegal may be assigned the duties of fact finding by the supervising attorney. The paralegal will follow the directives of the supervising attorney. This work may require the paralegal to work away from the office in order to conduct thorough investigations and facts.

Client/Witness

The paralegal may be assigned follow duties with clients and witnesses of case matters. The Paralegal will follow the directive of the supervising attorney with regard to the scope and authority of the client/witness/case parties.

Research

The paralegal may be assigned research duties by the supervising attorney. The paralegal will utilize the resources available to conduct such research. These resources include, but are not limited to, legal research engines, law library, present material, court opinions, ABA journal. Legal archives, trade journals, statutes, websites, Federal Rules of Evidence, JSTOR, and Justia.

Drafting

The paralegal is responsible for drafting documents as assigned by the supervising attorney. The paralegal will draft as directed and will submit to the supervising attorney for review and finalization. The supervising attorney will then direct the paralegal next steps for filing, distributing, and documenting the documents.

File Maintenance/Discovery/Case Preparation

The paralegal is responsible for reviewing case documents, discovery, electronic submissions, and other case matter information. The paralegal may be required to obtain and review these documents off site at a courthouse or lawyers office. The paralegal is responsible to ensure the proper handling and filing of the documents that are within the possession of the paralegal. The paralegal will maintain a case management system that ensures the proper storage of case matter data. The Paralegal is responsible for ensuring that the documents of the matter are in an orderly fashion for the attorney. The paralegal will review the discovery for facts and issues of law and provide research and case law relevant to the matter for the supervising attorney assigned to the matter. The paralegal will ensure the preparation of files for attorneys prior to scheduled appearances and trials. The paralegal will ensure that the clients are provided copies of their case matter as allowed under the laws of the state and tribal jurisdictions and as authorized by the supervising attorney. The paralegal will ensure that proper document tracking, retention, and destruction are followed as defined in Federal, State, and Tribal Statutes.

Conflicts

Conflicts of interest as defined under the MN Rules of Professional Conduct 1.7, 1.8, 1.9, 1.10, 1.11. The paralegal is responsible for the review of each client to determine if there is conflict as defined under the rules as provided. The paralegal will utilize the resources and tools and resources within the office, MLB enrollments office, and identified conflicts to document the findings for each individual seeking representation services from BMLS. The paralegal will then provide this information to the supervising attorney with the potential intake for services to the assigned attorney. The assigned attorney will the provide directive to the paralegal for drafting and documenting the representation status of the potential client. The paralegal will document this information in the intake document and electronic case management system. The paralegal will draft a letter to the potential client with information for referral agencies for representation to the client. The document will remain on file for the lifetime of the office.

Confidentiality

Confidentiality is defined under the MN Rules of Professional Conduct, 1.6. The paralegal must adhere to the rules as set forth. The paralegal will share information with staff attorneys as needed to perform duties of the representation of the client. The paralegal will not share information with unauthorized parties or personnel. The paralegal may share information under the direction of the supervising attorney of the matter with the proper release of information and authority as defined in MN. R. Prof. Cond. 1.6.

Internal and/or External References	
Compliance - Posting Date	
Replaces - Policy Number	
Next Review - Due Date	

Band Legal Aid COVID-19 Mitigation Reduction Policy for In Office and Remote Work

Employees and Responsibilities

Name	Title	Responsibilities	Remote Access	Remote Access
	Receptionist	Answer calls, complete intake forms, send/receive all correspondence and mail in and out of the office, send/receive messages from the main office line to and from staff, filing of electronic documents On sight	Not capable: Cross trained for civil admin position	Online Calendar Google Doc/Civil intake log Criminal intake log Conflict log
	Administrative Assistant	Answer calls, complete intake forms, send/receive intake information, filing of all civil information in/out of the office, transmit electronically file information as requested, file electronic case information onto the network drives, monthly billing statements and monthly PO's, check requests, any other duties as assigned- On sight	Not capable: Cross trained for receptionist position	Online Calendar Google Doc/Civil intake log Criminal intake log Conflict log
	Paralegal/Office Manager	Intake review/assignment, all case review and research, production of documents as needed, all criminal matters for all jurisdictions, calendar oversight, case prep oversight and review, attorney update and review weekly, assignment of all cases, conflict review, review of monthly billing statements and invoices, update of budget monthly reconciliation, overview of admin staff, overview of on-site procedures and building	Will receive all office calls forwarded to work cell, will assume all receptionist and civil admin. duties if shut down occurs or unavailable admin staff Assigned laptop and cell	Online Calendar Google Doc/Civil intake log Criminal intake log Conflict log Dropbox

		<p>maintenance. Both remote and on sight when required</p> <p>Maintains all cloud based resources and tools for access that allows remote workers and office workers access to ALL office materials, files, and call logs. Maintains all online files- across all 7 state jurisdictions and tribal jurisdiction. Maintains all online/cloud based access to office forms, case files, and educational materials.</p> <p>Maintains all master file logs and master assignment of files.</p> <p>Maintains online master calendar</p>		<p>Microsoft OneNote</p> <p>Odyssey/EFile</p>
	Director	<p>D1 civil files, ML civil files, remote office</p> <p>All hearings Tribal Court via Zoom and Webex as assigned</p>	Assigned Laptop and Cell	<p>Online Calendar Google</p> <p>Doc/Civil intake log</p> <p>Criminal intake log</p> <p>Conflict log</p> <p>Odyssey</p> <p>Outlook</p>
	Staff Attorney	<p>D3 civil files, D3/Pine/Hennepin/Ramsey civil and criminal files</p> <p>Remote office</p> <p>All hearings Tribal Court via Zoom and Webex as assigned</p>	Assigned Laptop and Cell	<p>Online Calendar Google</p> <p>Doc/Civil intake log</p> <p>Criminal intake log</p> <p>Conflict log</p> <p>Odyssey</p> <p>Outlook</p>

	Staff Attorney	D2 civil files, D2/Aitkin/Crow Wing/Morrison civil and criminal files Remote office All hearings Tribal Court via Zoom and Webex as assigned	Assigned Laptop and Cell	Online Calendar Google Doc/Civil intake log Criminal intake log Conflict log Odyssey Outlook

In office Protocol:

MASKS REQUIRED at all times inside the building- Commissioner Order

Building remains closed to public, public can enter by appointment only

Screened for temperature and symptoms prior to entering the building

Cleaning and sanitizing work stations multiple times daily

Cleaning and sanitizing shared office spaces (bathroom/copier/breakroom) after each use. Sanitizing wipes in each area to ensure this is done each time

Cleaning and sanitizing the office spaces weekly (doorway, floors, entryway) vacuuming and mopping

Remote Staff will enter the building after hours if needed to mitigate the number of staff inside the office. They will sanitize their space and what they touch when they leave.

The building will remain closed and open by appointment only. All staff continue to wear masks inside the building and any Band building. All staff will continue to work remote as listed above to reduce the number of in person contact as possible.

In event of staff outage due to Covid or need to close:

See above remote access. All staff will continue working with the exception of the receptionist and civil admin. The office manager/paralegal will assume all responsibilities of these two positions. Updates will be sent to all agencies and entities when a change occurs to update the most current information. The website millelacsband.com/bmla will be updated with phone and contact information.

***In the event of closure, IT will be contacted to forward all office calls to the BMLA cell phone 612-280-9617. All social media and webpages will be updated to reflect any such change to keep the community apprised of contact information.

ALL information is updated on social media sites to keep the community apprised on the most current information regarding hearings and contact information.

	Status	Contact	Duties
	Remote		D1 Tribal, civil intakes, Director
	Remote		D2 tribal, CW, Aitkin, Morrison Crim
	Remote		D3 tribal, Pine, Hennepin, Ramsey
	Remote		ALL files/records, Intake record, office maintenance, staffing maintenance
	In Office	320-532-7798	Civil file maintenance, office administration tasks
	In Office	320-532-7798	Phones/intake processing/email/correspondence and filing

All staff will continue to work according to this chart unless a shutdown occurs. The staff in the office will maintain safety protocols as defined. To ensure staff mitigation there will not be any in office meetings or client meetings until further notice. (11/12/2020)



THE MILLE LACS BAND OF
OJIBWE INDIANS

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43408 Oodena Drive, Onamia, MN 56359
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Vacant
Staff Attorney

Diane Poss
Staff Attorney

Receptionist

Kerri Johnson
Managing Attorney

Shannon Nayquonabe
Paralegal/Office Manager

Bruce Harrington
Administrative Assistant

Amelia Opager
Civil Case Support Manager

CONFIDENTIALITY AGREEMENT

It is impossible to overstate the importance of the attorney-client privilege. So sacred is the relationship between lawyer and client that information given to the lawyer by the client is "privileged communication") the lawyer cannot be compelled to testify concerning it. This bedrock principle between attorney and client creates the trust and confidence required for proper representation. Band Member Legal Services' clients are the most important people with whom we interact.

In the course of your work with Band Member Legal Services you will undoubtedly have access to confidential client information. It's one of your most serious responsibilities that you in no way reveal any such information and that you use it only in the performance of your duties. Should you have doubts about what might be considered confidential information or a violation of trust, you should seek advice from the Managing Attorney.

Employees are responsible for the internal security and safekeeping of such information. It is your responsibility to read and follow the policies on protecting information.

Proprietary and confidential information can take many shapes, including, but not limited to; the names of clients the firm represents or the fact of their visits to the office, documents, notes, overheard conversations, tapes, diskettes, personal observations, records, research, financial statements, licensing, trust funds, criminal records, strategic plans, emails, research proposals, or allegations made by others about our clients.

Employees will be required to sign a statement of confidentiality at the time of hire and annually throughout their term of employment to acknowledge their awareness of, and to reaffirm their commitment to, this policy.

Employees are expected not to divulge, during their term of employment or after their employment is terminated, any information confidential or proprietary information acquired during their employment.



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Administrative Assistant

Amelia Opager
Civil Case Support Manager

Information regarding the operations, activities, and business affairs of the firm are also to be kept confidential and not discussed with outsiders.

Employees found to be in violation of the firm's confidentiality policies are subject to disciplinary action, up to and including termination, and may also be subject to civil and/or criminal penalties for violations.

In preserving the security of files and information, the following are to be observed:

1. Disclosing information -- Information in office files should never be disclosed, except upon express authorization of the lawyer handling the case.
2. Delivery of documents -- Documents or files are to be turned over only to persons who are properly identified or vouched and when authorized by the lawyer handling the matter.
3. Disposal of confidential papers. All confidential papers should be destroyed when no longer needed. This includes rough drafts or interim copies. A paper shredder area located in the office for that purpose.
4. Revealing client's business. One client's business is never to be discussed with another client. As a general policy, it is best not to mention one client's name to another.
5. Discussing firm matters. Do not discuss client matters when clients or visitors are present, particularly in the reception or kitchen areas. A visitor or client who overhears information concerning another of our clients will feel that his or her personal affairs will receive the same lax treatment.

I have read, understand and agree to the provisions herein.

Employee Signature

Date



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Bruce Harrington
Administrative Assistant

Amelia Opager
Civil Case Support Manager

As an employee of Band Member Legal Services, I acknowledge that I have been instructed regarding the confidentiality of all firm business, activity and records and except as required by law in the course of my duties, or where instructed in writing by management, I am aware that all firm books, records, files and memoranda are to be treated in strict confidence. I pledge that I will not disclose information relating to the firm, its business or its clients during my employment or after the termination thereof whether such termination be voluntary or involuntary. I understand that any breach of confidentiality will be grounds for my immediate dismissal as a firm employee.

This the _____ day of _____, 20____.

Signature

Witness



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Civil Case Support Manager

Confidentiality of Office Matters

It is the policy of Band Member Legal Services that matters related to the firm and its practice are not to be discussed in the presence of any unauthorized persons. It is understood that some of the matters in the office are sufficiently interesting to tempt personnel to engage in conversation that may breach the rule of confidentiality. Therefore, it is extremely important that everyone exercise extreme care in this area. The information received in the office is the private property of the client and aside from the embarrassment that would result from any unauthorized disclosure, there is the likelihood of creating legal liability and prejudice to the client's case. Additionally, attorneys keep sensitive material that may be of a confidential nature, either as to the firm, its personnel, to themselves, or to their clients. To avoid any violations of that confidentiality in the attorney's absence, under no circumstances should an attorney's office be offered for use to a client, vendor, or other unauthorized person without the consent of the attorney or his or her administrative secretary or, in their absence, the Director of Administration.

In addition to the client matters, some personnel must routinely handle pay and personnel information as a result of their normal duties. This information must be treated with the utmost sensitivity and confidentiality. A breach of confidentiality with respect to any client matter or internal matters, including pay or personnel, will be considered reason for immediate dismissal.

BAND MEMBER LEGAL SERVICES

This will confirm that I, the undersigned, have read and agree to abide by the provisions of the foregoing stated policy as it relates to the confidentiality and the law firm.

This the _____ day of _____, 20____.

Signature



THE MILLE LACS BAND OF
OJIBWE INDIANS

Band Member Legal Services
43408 Oodena Drive, Onamia, MN 56359
320-532-7798 FAX: 320-532-5135
www.millelacsband.com

LIMITED SCOPE REPRESENTATION AGREEMENT

TO THE CLIENT: THIS IS A LEGALLY BINDING CONTRACT. PLEASE READ IT CAREFULLY AND MAKE CERTAIN THAT YOU UNDERSTAND ALL OF THE TERMS AND CONDITIONS. YOU MAY TAKE THIS CONTRACT HOME WITH YOU, REVIEW IT WITH ANOTHER ATTORNEY IF YOU WISH, AND ASK ANY QUESTIONS YOU MAY HAVE BEFORE SIGNING.

EMPLOYMENT OF A LAWYER FOR LIMITED SCOPE REPRESENTATION REQUIRES THAT THE LAWYER AND CLIENT CAREFULLY AND THOROUGHLY REVIEW THE DUTIES AND RESPONSIBILITIES EACH WILL ASSUME. ANY LIMITED REPRESENTATION AGREEMENT SHOULD DESCRIBE, IN DETAIL, THE LAWYER'S DUTIES IN THE CLIENT'S INDIVIDUAL CASE.

To help you in litigation, you and a lawyer may agree that the lawyer will represent you in the entire case, or only in certain parts of the case. "Limited representation" occurs if you retain a lawyer only for certain parts of the case. When a lawyer agrees to provide limited scope representation in litigation, the lawyer must act in your best interest and give you competent help. However, when a lawyer and you agree that the lawyer will provide only limited help,

- the lawyer DOES NOT HAVE TO GIVE MORE HELP than the lawyer and you agreed.
- the lawyer DOES NOT HAVE TO help with any other part of your case.

Date: _____

1. CLIENT, _____, retains LAWYER, _____, to perform limited legal services only in the following matter:
_____.
2. Client seeks only the following services from Lawyer (check appropriate box):
 - Legal advice: office visits, telephone calls, fax, mail, e-mail
 - This is a one-time consultation.
 - Advice about availability of alternative means of resolving the dispute, including mediation and arbitration, including helping you prepare for mediation or arbitration.
 - Evaluation of Client self-diagnosis of the case and advising Client about legal rights and responsibilities.
 - Guidance and procedural information for filing or serving court documents.
 - Review pleadings and other documents prepared by Client.
 - Review pleadings and other documents prepared by opposing party/counsel.
 - Suggest documents for you to prepare.
 - Draft pleadings, motions, and other documents.
 - List the documents to be prepared: _____
 - Factual investigation: contacting witnesses, public record searches, in-depth interview of Client.
 - *If not checked, Client understands that Lawyer will not make any independent*



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investigation of the facts and is relying entirely on Client's limited disclosure of the facts given the limited services provided.

- Assistance with computer support programs.
 - List the programs to be used: _____
 - Legal research and analysis.
 - List the issues to be researched and analyzed: _____
 - Evaluate settlement options.
 - Prepare discovery documents, such as interrogatories and requests for document production.
 - List the discovery documents to be prepared: _____
 - Help you prepare for depositions.
 - Planning for negotiations.
 - Planning for court appearances.
 - Standby telephone assistance during negotiations or settlement conferences.
 - Referring Client to expert witnesses, other counsel, or other service providers.
 - Counseling Client about an appeal.
 - Procedural assistance with an appeal and assisting with substantive legal argument in an appeal.
 - Provide preventive planning and/or schedule legal check-ups.
 - Representing you in court but only for the following specific matters:

- Other: _____

- Costs. Client shall pay Lawyer all out-of-pocket costs incurred in connection with this agreement, including long distance telephone and fax costs, photocopy expense, postage, filing fees, investigation fees, deposition fees, and the like unless paid directly by Client.

Lawyer will not advance costs to third parties on Client's behalf and Lawyer will not pay filing fees, court costs, or other costs to any court unless specifically requested by Client and agreed upon in advance by Attorney. Advances will be repaid to Lawyer in addition to any attorney's fee charged as set forth above. Lawyer may request that the amount to be advanced or paid on behalf of Client be paid to Lawyer before any payment is made to a third party.

- 3. Lawyer representation begins with the signing of this Agreement and it terminated at the completion of the services requested and identified above or _____, whichever happens first.

- 4. Additional Services/Representation: Lawyer and Client may later determine that the Lawyer should provide additional limited services or assume full representation. Lawyer has no further obligation to Client after completing the above described limited legal services unless and until both Lawyer and Client enter into another written representation agreement. Lawyer may decline to provide additional services.



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- a. If Lawyer agrees to provide additional services, those additional service should be specifically listed in an amendment to this agreement, signed and dated by both the Lawyer and Client.
 - b. If Lawyer and Client agree that Lawyer will serve as Client's attorney of record on all matters related to handling Client's case, Client and Lawyer should indicate that agreement in an amendment to this agreement, signed and dated by both the Lawyer and Client.
 - c. **NEITHER LAWYER NOR CLIENT SHOULD RELY ON VERBAL DISCUSSIONS OR VERBAL AGREEMENTS WHEN CHANGING THE TERMS OF THE LAWYER'S RESPONSIBILITY FOR REPRESENTATION.**
5. If any dispute between Client and Lawyer arises under this agreement concerning the payment of fees, Client and Lawyer will submit the dispute for fee dispute resolution.
6. Client has read this Limited Scope Representation Agreement and understands what it says. Client agrees that the legal services specified above are the only legal help Lawyer will provide. Client understands and agrees that:
- the Lawyer who is helping me with these services is not my lawyer for any other purpose and does not have to give me any more legal help;
 - Lawyer is not promising any particular outcome;
 - because of the limited services to be provided, Lawyer has limited his or her investigation of the facts as set out in specifically in this agreement; and
 - if Lawyer goes to court with me, Lawyer does not have to help me afterwards, unless we both agree in writing.

Client understands that it is important that Lawyer, the opposing party, and the court handling my case be able to reach me at this address. I therefore agree that I will inform Lawyer or any Court and opposing party, if applicable, of any change in my permanent address or telephone number.

WE HAVE EACH READ THE ABOVE AGREEMENT BEFORE SIGNING IT.

Client: _____
Printed Name: _____
Address: _____

Phone: _____

Lawyer: _____
Firm: _____
Address: _____

Phone: _____

CRIMINAL INTAKE SHEET

INTAKE WORKER

INTAKE DATE			
INTAKE WORKER			
CLIENT NAME			
ADDRESS			
CELL PHONE			
HOME PHONE			
WORK PHONE			
EMAIL			
ALT. CONTACT			
DOB		TRIBAL ID	
CASE NUMBER			
NEXT APPEARANCE			
CHARGE:			

INTAKE / ATTORNEY

NOTES

ATTORNEY

NOTES

CIVIL INTAKE SHEET

INTAKE WORKER

INTAKE DATE			
INTAKE WORKER			
CLIENT NAME			
ADDRESS			
CELL PHONE			
HOME PHONE			
WORK PHONE			
EMAIL			
ALT. CONTACT			
DOB		TRIBAL ID	
ADVERSE PARTY	NAME:		DOB:
	ADDRESS:		
ADVERSE PARTY	NAME:		DOB:
	ADDRESS:		
ADDITIONAL PARTY	NAME:		DOB:
	ADDRESS:		
DEADLINES / DATES GIVEN TO ATTY			

INTAKE / ATTORNEY

NOTES

ATTORNEY

CASE TYPE			
CONTACT ATTEMPT		10 DAY:	
ASSIGNED TO:	CLOSING DATE:	REASON FOR CLOSE:	
CLOSING NOTES			



**Mille Lacs Band of Ojibwe
Tribal Government Weekly Timesheet**



Name: _____ **Title:** _____

Week Beginning and Ending: _____ **to** _____

Date	Status	Time In	Time Out	Government Activity
Monday				-----
Tuesday				-----
Wednesday				-----
Thursday				-----
Friday				-----
Saturday				-----
Sunday				-----

Status:
A-Annual *P*-Present **Payment Authorizing Agent**
H-Holiday *S*-Sick **X** _____

I certify the foregoing information is true, complete and accurate accounting of my activity to the best of my knowledge and that the amount claimed has not been received as compensation.

X _____
Signature of Employee **Date**

Request for Authorized Leave

Type of Leave (Check One):
 ___ Annual ___ Emergency ___ Leave of Absence
 ___ Illness ___ Other (Specify): _____
 (Type: Maternity, Jury Duty, etc.)

I officially request ___ (hrs) for authorized leave stated above beginning on:
 and ending on:

___ Approved ___ Disapproved

X _____
Commissioner's/Chief Executive's Signature **Date**

Office Use Only:

Present	Annual	Sick	Holiday