

## Legal Assistance of Olmsted County (LAOC) Client Grievance Procedure

### A. PURPOSE

This client grievance procedure is established to assure that clients and potential clients have full access to the services of the organization. It provides an opportunity for review by senior staff members and, when appropriate, by a member of the Board of Directors of complaints by clients dissatisfied with the legal services provided them by the volunteers of LAOC, treatment by staff and of complaints by persons rejected for placement with a LAOC volunteer.

### B. GRIEVANCE PROCEDURE

#### 1. Posting and Distribution of Policy

- a) A copy of this policy will be given to any person who requests it.
- b) Staff members shall have the responsibility to inform clients and potential clients of the grievance procedures when asked or when those persons' statements indicate the desire to pursue some type of grievance procedure.
- c) A copy of this policy will be posted on the LAOC web-site client page.

#### 2. Complaint Process

- a) Any person with complaints regarding denial of services, legal assistance provided or with concerns about the LAOC program or staff shall be provided an opportunity to meet with the appropriate supervising attorney or Program Director as soon as possible. If such a meeting cannot be held at that time, staff members shall provide that person assistance to submit a written statement to the appropriate supervising attorney or Program Director setting forth the basis for the complaint.
- b) In the event the complaint is not resolved by the appropriate supervising attorney or Program Director, the complaining party shall be provided with the name of the Operations Director or Executive Director, and shall, if at all possible, be provided an informal conference with the Operations Director or Executive Director within five working days.
- c) In the event that the complaint is still not resolved after meeting with the Operations Director or Executive Director, said Director

shall, if requested to do so by the complaining party, arrange an opportunity for the complaining party to submit a complaint to the Chair of the Board of Directors. The complaint to the Chair must be in writing and must be received by the office within fifteen days of the final discussion seeking an informal resolution of the issue.

- d) Any person requesting a hearing before the Board must execute a form authorizing disclosure to the Board of information from his/her file and, if necessary, waiving the attorney-client privilege for purposes of the grievance proceeding. Client confidentiality will be protected during the grievance proceeding.
- e) A grievance shall be heard by a Board Member designated by the Chair within fifteen days after the receipt of the written complaint.
- f) Straight forward matters such as the proper application of established eligibility guidelines may be excluded from this level of the grievance procedure. In those cases, if the complaining party so desires, he or she may submit a written objection to said guideline, and this objection will be forwarded to the Quality Control Committee for review and consideration.

3. Application

- a) Any grievance filed regarding actions by LAOC staff, including, for example, the rejection of a matter for placement or perceived rude conduct exhibited towards a client or applicant, are issues that may be addressed through the grievance procedure. Some grievances filed regarding the manner or quality of service rendered by a volunteer may also be resolved through the grievance procedure. For example, if the client's complaint involves the failure of the volunteer to return phone calls or the failure to keep the client informed about the status of the matter, a simple phone call from the Program Director to the volunteer may suffice to resolve the problem.
- b) If the grievance involves more serious questions of quality of work or potential or actual malpractice, ethical considerations require that the volunteer exercise independent professional judgment and therefore, the Program Director cannot order the volunteer to take or refrain from taking any action on a matter. Given this limitation, the Program Director should discuss the complaint with the volunteer to determine if it can be resolved or if the matter should be re-assigned, unless the client's interests would be impaired by doing so. If it appears reasonably likely, however, that the grievance involves irremediable malpractice, the client should be

referred to outside assistance, and LAOC should make reasonable efforts to aid the client in obtaining such assistance.

- c) If a grievance concerns the conduct of a volunteer lawyer and reaches the level of review by the Board of Directors, the board cannot interfere with the independent judgment of the volunteer. In addition, the board is prohibited from access to confidential client information which it would likely need to effectively review the grievance, unless the complaining party consents to the disclosure of that information for the limited purpose of investigating the grievance, whether or not LAOC stands in an attorney-client relationship with the complaining party. Grievances regarding quality of work should not go before the board if, as a result of board review, the client's legal rights would be compromised.
- d) If through the grievance procedure LAOC learns of conduct by a volunteer that raises questions regarding the volunteer's competency or the volunteer's ability to work with clients, steps should be taken by the Program Director to either provide the volunteer with training prior to the assignment of another matter, or to refrain completely from referring other matters to that volunteer.

4. Records of Complaints

In each instance in which a complaint is considered pursuant to this policy, copies of all written documents relating to the complaint and copies of conversations or meetings shall be maintained on file at the office involved.

Once per year the Board or Quality Control Committee will receive a report summarizing grievances received and their resolution.

President of the Board

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