Where to Start Toolkit

Contract Attorney Checklist of Considerations

VICTIM RIGHTS LAW CENTER

Expertise, Oversight, and Case Ownership

- ☐ Can the applicant certify that they have sufficient experience and expertise to independently manage cases?
  - If not, can your organization provide sufficient supervision?
- ☐ How and when is the contract attorney's performance evaluated?
- ☐ Is the contract attorney expected to provide their own malpractice insurance?
  - If so, has this been accounted for in compensation?
- ☐ Is the organization providing the malpractice insurance?
  - If so, is there any limit on the attorney's practice (e.g., can the attorney represent clients in court, depositions, etc.)?
- ☐ How will the organization conduct conflict of interest checks with the contract attorney?
- ☐ Will the organization or the contract attorney be ultimately responsible for the case?
  - Will this be reflected in the retainer agreement?
  - How will information be shared, if at all, during the pendency of the case?
  - Who will take possession of the case file at the conclusion of the case?

Scope of Project

- ☐ How is the agreement structured?
  - Agreement with a staffing agency for certain limited tasks
  - Agreement with independent contractor for holistic legal services or a specific type of legal service (e.g., housing, education, etc.)
- ☐ Is the work to be performed described with sufficient specificity?
  - Is the contract for a set amount of time (e.g., two years)? If so, what are the start and end dates?
    - What happens to any open cases at the end of that limited time period?
  - Or a set number of cases (e.g., up to 25 cases)?
  - Or both (e.g., up to 25 cases for two years)?
- ☐ Are you seeking full representation or limited representation (e.g. full eviction case vs. Motion to Dismiss)?

VICTIM RIGHTS LAW CENTER

Contract Attorney Checklist of Considerations

Compensation

- ☐ How will the contract attorney be compensated?
  - Hourly, per case, via staffing agency, etc.
- ☐ Who is responsible for tax withholdings?
- ☐ Are you willing to adjust compensation or offer reimbursement for costs the contract attorney may incur (e.g., malpractice insurance, travel expenses, etc.)
- ☐ How will the contract attorney be compensated for cases that remain open at the conclusion of the grant?

Logistical Considerations

- ☐ Where will the contract attorney work?
  - Out of their own office?
  - Out of the organization's office?
  - Travel to host clinics or meet survivors at community organizations?
- ☐ Who will provide the email address?
  - Review state law and ethical requirements for privacy considerations
- ☐ How will hours be tracked/billed?

© 2018 Victim Rights Law Center. All rights reserved. *This project was supported by grant number 2011-TA-AX-KO24 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, and conclusions expressed are those of the author(s) and do not necessarily represent the views of the U.S. Department of Justice.*

VICTIM RIGHTS LAW CENTER