

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is between Inner City Law Center (ICLC) and the Homeless Patient Aligned Care Team of the Department of Veterans Affairs Greater Los Angeles Healthcare System (H-PACT) for the purpose of increasing veterans' access to legal representation. Under this MOU, ICLC will provide legal services for homeless and low-income veterans through a pro bono law clinic located at 11301 Wilshire Blvd. Building 402, Los Angeles, CA 90073.

ICLC will provide intake and referrals for H-PACT patients in the following legal areas: VA disability benefits claims and appeals, certain other public benefits issues, discharge upgrades, low level ticket dismissals, and other legal issues that ICLC and H-PACT staff deem appropriate. The purpose of this MOU is to clearly identify the roles and responsibilities of ICLC and H-PACT in connection with a legal clinic at VA Greater Los Angeles Healthcare Systems (GLAHCS) facilities.

### **I. Purpose and Scope**

- a. There is an enormous unmet need for legal services for veterans. Legal services are often essential for removing barriers to obtaining or retaining permanent housing, receiving needed healthcare, increasing income and opening doors to employment. ICLC's Homeless Veterans Project specializes in benefits claims related to psychological disabilities. ICLC provides legal services at several intake clinics related to benefits claims and appeals, focused on homeless and low-income veterans who need legal assistance with their service-connected benefits claims.
- b. ICLC's Equal Justice Works Legal Fellow, Abbey Lent, will focus her fellowship on working with homeless and low-income veterans who are patients in the Center of Excellence in Primary Care Education (CoEPCE), a training program for medical professionals overseen by H-PACT staff. In connection with her work, ICLC will provide a legal services clinic in Building 402.

### **II. Responsibilities of ICLC.** In connection with providing a legal intake clinic in conjunction with CoEPCE H-PACT, ICLC shall undertake the following:

- a. **Legal Clinics.** ICLC will provide a legal services intake clinic at the Building 402 site in a private office setting at least once a week, on dates mutually agreed upon by ICLC and CoEPCE. The dates of the clinics may fluctuate based on the availability and capacity of ICLC staff. The determination of the attorney and resource capabilities of ICLC shall be made solely by ICLC.

- b. Legal Assistance Limited to Certain Issues.** ICLC staff and pro bono attorneys shall provide intake for legal services primarily related to assistance with claims for service-connected disability benefits for homeless and low-income veterans. Legal assistance will include on-site intakes, brief counsel and advice, as well as full representation in connection with certain matters through ICLC staff or pro bono attorneys. All intake and referrals are subject to ICLC's policies and limited resources. Referrals will be provided to veterans where appropriate or placed with pro bono attorneys specializing in the area of law at issue. The legal assistance provided by ICLC will be limited to certain substantive issues, including:

  - i.** Initial claims, notices of disagreement, and appeals for service-connected VA benefits associated with mental health conditions such as PTSD and TBI;
  - ii.** Other public benefits claims, appeals and issues, particularly related to the Social Security Administration;
  - iii.** Some other matters such as certain traffic citations; and
  - iv.** Discharge upgrade assistance.
- c. Training CoEPCE Staff Members.** ICLC will provide initial training to CoEPCE staff members about ICLC's services and the clinics, and the role of CoEPCE staff members. Subsequent trainings may be held as needed and as mutually agreed.
- d. Malpractice Insurance.** ICLC shall provide malpractice insurance for its staff and pro bono attorneys involved in cases referred by CoEPCE.
- e. Laptop with Technical Support.** ICLC shall supply its own laptop with remote access capability to ICLC's computer system along with relevant technical support for ICLC staff.

**III. Responsibilities of VA GLAHCS.** VA GLAHCS shall undertake the following:

- a. Private Office Space.** VA GLAHCS shall provide private office space at its facility, Building 402, in which ICLC staff can meet with clients in a private setting, including an electrical outlet, desk, and several chairs. If possible, VA GLAHCS will provide ICLC staff with access to the internet through ICLC provided laptops so ICLC staff may access ICLC servers remotely.
- b. Parking.** VA GLAHCS shall provide authorized ICLC staff with access to the VA GLAHCS parking lot free of charge during the hours of the legal clinics.

- c. Inform ICLC of VA GLAHCS's HIPAA Compliance Measures.** In order to protect patient privacy and comply with HIPAA and relevant state laws of California, VA GLAHCS shall inform ICLC staff of its procedures for dealing with protected health information relevant to the provision of legal services by ICLC. ICLC and VA GLAHCS will work together to make sure all appropriate laws and regulations regarding patient confidentiality are complied with.
  - d. Assist in Publicizing and Promoting Legal Services.** VA GLAHCS shall assist ICLC in publicizing and promoting the legal services intake clinic among CoEPCE patients who meet the criteria for ICLC client eligibility, and concerning the legal issues relevant to ICLC's services.
  - e. Screening Patients for Legal Services.** Pursuant to the client eligibility criteria and criteria of case subject matter of ICLC, CoEPCE staff shall refer patients to ICLC staff for legal services. The procedure of CoEPCE referrals to ICLC shall be mutually agreed upon by CoEPCE and ICLC, and amended if necessary by the agreement of both parties.
- IV. Demarcation of non-VA Activities.** It is important that veterans using legal services at CoEPCE H-PACT understand that ICLC is not a VA entity and that the VA does not endorse the legal advice being provided. VA staff may not endorse any particular legal service provider. A disclaimer will be posted on legal clinic office space that reads, "VA assumes no responsibility for the professional ability or integrity of the organizations whose names appear on this list. This referral does not constitute an endorsement or recommendation by VA."
- V. Attorney-Client Privilege between ICLC and Patients.** Communication between ICLC staff and any patients referred by CoEPCE or other ICLC clients are privileged and confidential, and the attorney-client privilege applies. ICLC retains the right to exclusive possession of the legal files of patients referred by CoEPCE. Under no circumstances may any VA GLAHCS employee access the legal file of a client referred by CoEPCE.
- VI. No Attorney-Client Relationship between ICLC and VA GLAHCS.** This agreement does not create an attorney-client relationship between ICLC and VA GLAHCS.
- VII. Compensation.** ICLC offers its services to homeless and low-income veterans without charge. At no point will ICLC request remuneration from VA GLAHCS, its staff, or patients referred to ICLC by VA GLAHCS. VA GLAHCS is providing use of its facilities for ICLC's legal clinic without charge.
- VIII. Term & Termination.** The parties of this MOU do not currently propose an end date for the legal clinics. This MOU is non-binding and may be terminated by either party upon written notice. Any such termination will not terminate any ongoing representation of clients by ICLC.