

Case Management Systems, Part II Webinar

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*Slides will be sent to you at the conclusion of the presentation.

*Slides and audio will be posted on

<https://cliniclegal.org/category/resources-type/webinars>

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- Membership for Catholic nonprofits
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Contact Jeff Chenoweth at jchenoweth@cliniclegal.org for information and application

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Webinar Goal

- To see every charitable immigration legal program possess a case management system that is:
 - complete and thorough;
 - established on best practices;
 - documented in a case management manual; and
 - consistently used by staff and volunteers;

<https://cliniclegal.org/resources/othergeneral/immigration-case-management-tools>

Webinar Objectives

- Provide information about various components of case management
- Demonstrate how strong case management systems are key to a professional and healthy immigration program.

Webinar Agenda

- Client (Retainer) Agreement;
- File organization standards;
- Case notes standards;
- Case filing systems;
- Tickler system to track important deadlines;
and
- Case closing procedures
- Questions and answers

Questions?

- Please post your questions and we will address them at the conclusion of the webinar.

Establishing a Representative - Client Relationship

- Established by agreement – when representative agrees to act on behalf of client and client acknowledges representative's capacity to act for him/her
- Avoid expressed agreement – can be implied from representative's actions even if no intent to open a case
- Best Practices – Use non-engagement letters when deciding to not to take a case after an initial consultation

Is This Good Case Management?

ABC Immigration Program told LPR Jose it would help him file a petition for his spouse. ABC had Joe sign a Client Agreement saying that it would provide services to Jose to “legalize” his spouse and Jose would pay a fee for those services. Now that the relative petition is approved and his wife’s priority date is current, Jose wants ABC to prepare his wife’s adjustment application for no additional fee. ABC wants to charge for the adjustment. Was the Client Agreement adequate in describing the services ABC was committed to provide?

Client (Retainer) Agreements

- Written agreement between agency-employee and client defining services to be provided and responsibilities of each party.
- Why are some agreements called Client vs. Retainer? What is the difference, if any?

Client Agreement Considerations

- Agency logo, name, address, phone #
- Lists all services in checklist format
- Lists what the petitioner and beneficiary must do for each service provided
(Who is your client and when might that change?)
- Delineated (defines scope of representation)
- Clear and simple (English & native language)

Client Agreement Considerations

- Explained verbally and in writing
- Verbally recorded for limited literacy skills
- Signed and dated by client and agency representative
- Original in file and copy to the client
- Can limit agency liability

Typical Client Agreement Components

- Specific services to be provided
- Fees and payment requirement
- Commitment to provide diligent representation – the duties of the agency and legal representative
- Client's right to be informed of all options, consequences of representation, updates on case status
- Program's commitment to confidentiality
- Client's authorization of representation

Typical Client Agreement Components, Cont'd.

- Client's agreement to be forthright with requested information
- Client's agreement to appear for all scheduled meetings, appointments
- Client responsibility to keep program informed about address and phone changes
- Circumstances triggering termination

See link for sample Client "Retainer" Agreement

- <https://cliniclegal.org/resources/othergeneral/immigration-case-management-tools>

Is This Good Case Management?

- Sigourney Supervisor opens a file of a legal caseworker and sees an intake sheet and a copy of an application for Temporary Protected Status. When Sigourney asks the worker about the case status he says that the application was submitted three months ago and is pending. Is this case file adequately documented?

Is This Good Case Management?

- Christopher Caseworker went on vacation and will return on July 6th. He's on a sailing trip and his access to email and telephone is unreliable. Today, one of his co-workers, Carol, received a call from one of his client's, Nina. Nina just wants to make sure Christopher sent in the response to USCIS asking for an additional fee and documents which she thinks are due today. Carol pulls the file and finds a RFE. The RFE says a response is due tomorrow, June 25th. Carol also finds a copy of a money order and a copy of the client's documents with a post-it note on top that is difficult to read but says either "send" or "sent."

Case File Procedures/ Organization

- Standardized Case Filing System
 - Opening a new case
 - Contents of case file
 - Client Agreement, intake record, record of fee payments, case notes
 - Applications, correspondence with client/USCIS/others, receipts from USCIS copies of client documents, and legal/factual research

Is This a Completed Case Note Entry?

10/21 – Helen met with client. Talked about possible forms of relief. Client will bring more docs next time as requested.

Poll – Case Notes

All of our immigration files have well-constructed case notes allowing any legal caseworker to know where to step in?

Yes

No

Case File Procedures

- File Location

- File location
 - Centralized (not at staff desks) & accessible
- Hardcopy file security
- Electronic file security
- Access to case files
 - Restricted to immigration program staff
- Removing case files from agency
 - Clear policy with limits and security
- File retention/destruction

Case File Procedures

– File Construction

- Standardized Case Construction
 - Case notes
 - Complete record of everything related to case not reflected in the file
 - Meetings, phone calls, dates, applications/correspondences mailed
 - Case notes should allow someone to take over the case promptly and competently
 - Closure review process and closure letters to client and government agency
- Paper-reduced and paperless

Is This Good Case Management?

- Cathy Counselor files an application for adjustment of status for a client and then receives a “Request for More Evidence” from the NSC, with a due date of June 12, 2014. Cathy writes the due date in her personal desk calendar so that she won’t forget to file a timely response. Is this an adequate way to track the due date?

Date Tracking or “Tickler” System

- Critical to track all filing and response deadlines
- Electronic case management system
- Tracking system accessible and used by all staff needing access
- Must be used consistently
- Risks if no system in place or inconsistently used and monitored

Closing Cases

- Alex Attorney attends an adjustment of status interview with client, Corina, and the interview goes well. The officer said the application was approved and Corina will be receiving her residency card in the mail soon. When Alex goes back to the office he places the file in the cabinet with closed cases, glad to have one more case file off his desk
- Is this a problem? Is there anything you would do differently?

Poll – Closing Corina’s Case

- After a successful adjustment interview with Corina, Alex Attorney should first:
 - Tell his supervisor he thinks Corina’s application is fraudulent?
 - Send Corina a case closure letter?
 - Update the hard and electronic files and consult the closure policy in the manual?
 - Check to see if Corina finally paid her agency legal fees?

Closing Cases

- Closure system not to be overlooked
- Ties to Client Agreement; full circle
- Informs client why legal representation is terminated; good outcome or not
- System for communicating withdrawal to USCIS or EOIR

Closing Cases

- File retention and archiving policy
- File destruction policy
- Use of client survey for service feedback
- Establish grievance procedure for client complaints
- Invites client to return for future services

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- Subscription status and services for non-Catholic, nonprofits

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Questions?



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