



How Does KY Free Legal Answers Work?

KY Free Legal Answers is based on the walk-in clinic or dial-a-lawyer model where clients request brief advice and counsel about a specific civil legal issue from a volunteer lawyer. Lawyers provide information and basic legal advice without any expectation of long-term representation.

Users who meet eligibility (see **Eligibility** below) sign the use agreement, create a username and password, post a request for legal advice and information and provide facts about their case that will help the lawyer answer the question. Users will be asked to select a category (such as “housing” or “debt”) that best describes their question. The lawyer may ask for additional information before responding to the user’s request, but the user will have a choice to respond to that request or not. Users’ name, opposing party’s name and county, but no other identifying information will be shared with the volunteer lawyer. Users are informed that there is no guarantee that a question will be answered. If a question is not answered within approximately 30 days, the user will receive an email from the website administrator instructing them to seek assistance elsewhere. The user will also be provided with a list of additional resources.

Lawyers who would like to participate must create a username and password, provide contact information and their Kentucky Bar Association number, sign the lawyer use agreement and request approval from the website administrator. Before the lawyer’s account is activated, the website administrator checks to ensure the lawyer is licensed in Kentucky and is in good standing with the Kentucky Bar Association. Once a lawyer has been approved by the website administrator, the lawyer receives an email notification and can begin answering user questions.

Lawyers may log in at any time to review a list of user questions and select the one(s) they want to answer. Lawyers will use the categories provided by the user (such as “housing” or “debt”) to help determine which questions they would like to answer. A lawyer will have the opportunity to read the full question before deciding to take it from the list and answer it. Once a lawyer takes a question from the list, the lawyer has 3 days to answer it. Lawyers will be allowed to ask follow up questions if they need additional information in order to answer the user’s question. The lawyer’s identity is not revealed to the user unless the lawyer decides to do so. Once a lawyer answers a question, the user will receive an email with a link to log-in and view the answer; and, if the question is left open, send a follow up question to the lawyer.

Lawyers will be able to view a log of the questions they have answered.

Who is eligible to use Kentucky Free Legal Answers?

Eligibility for use of Kentucky Free Legal Answers is limited to the following:

- The user must have household income less than 250% of the federal poverty level; (This may be temporarily increased to respond to a disaster.)
- The user may not have liquid assets exceeding \$10,000. (This includes checking and savings account balances, as well as the value of any stocks or bonds and may be temporarily increased to respond to a disaster.)
- The user may not be incarcerated.
- The user may not request assistance with criminal law matters.

Users must provide their name, opposing party (if known), county, and zip code in order to request advice.

Users agree to post no more than 3 new legal questions per year. They can follow-up with an attorney on each question as many times as the attorney and user choose to do so.

Eligibility will be determined before a user's question is posted. FLA volunteer attorney will not be involved in the eligibility determination process.

What lawyers should participate?

All lawyers are welcome! While there are certain types of legal questions that regularly come up at legal clinics, we need lawyers with different areas of expertise and practice to volunteer. We hope the website will appeal to lawyers who want to give back but have been unable to participate in traditional pro bono work due to family obligations, schedule, employment constraints or geographic location. We also hope to engage lawyers who already provide pro bono and are willing to give more of their time to those who need it.

What happens if a lawyer cannot answer a user's question?

A lawyer might be unable to answer a user's question for a number of reasons. Some examples might be a conflict of interest, user's failure to respond to lawyer requests for additional information or the question is determined to fall outside the lawyer's area of expertise. Lawyers will have access to resources on various areas of substantive law to help them answer questions. If a lawyer determines that (s)he cannot answer a question, the lawyer may place the question back into the queue so that another volunteer lawyer may try to assist the user. If a lawyer takes a question and doesn't respond within 3 days, the question will automatically return to the open questions queue.

What type of relationship exists between the client and lawyer?

When a user submits a question and receives an answer from a lawyer, there will be a lawyer/client relationship formed between that client and the lawyer who responds. That relationship, however, will be limited in scope and duration as described in the use

agreements for both users and lawyers. The representation will be limited to providing an answer to the legal question and will not involve any continuing representation of the client beyond the act of providing such an answer. The lawyer will provide short-term, limited legal services to a client (the eligible user of this site) without expectation by either the lawyer or the client (the eligible user of this site) that the lawyer will provide continuing representation in the matter. Both the eligible users and lawyers must consent to the limited nature of this relationship both as to scope and duration as indicated when they accept the terms of the use agreement. Eligible users and lawyers who do not accept the terms of the use agreement will not be allowed access to the site.

How do lawyers check for conflicts of interest?

Under SCR 3.130(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.

Under SCR 3.130(6.5) Nonprofit and court-annexed limited legal services programs

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

- (1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and
 - (2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.
- (b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

What about professional liability insurance coverage?

Volunteer lawyers who provide brief advice and counsel via the website will be covered by professional liability insurance maintained by the American Bar Association. If an issue of malpractice arises, the ABA Free Legal Answers administrator can trace each answered question back to the attorney who answered it. The site administrator may have to contact lawyers participating in the program from time to time related to this insurance coverage.

For more information about KY Free Legal Answers contact Glenda Harrison at glenda.harrison@kyaccesstojusticecommission.org

**To register to participate in KY Free Legal Answers, go to:
<https://ky.freelegalanswers.org/>**