

## EOLDN Rules for Participating Lawyers and Law Firms

The Election Official Legal Defense Network (“EOLDN”) is a project of the nonpartisan, nonprofit Center for Election Innovation & Research (“CEIR”). EOLDN connects licensed, qualified pro bono attorneys with election officials who need assistance. Election officials and poll workers who are harassed, intimidated, and undermined, due to their work in election administration may request legal help. EOLDN defines an election official as either someone recognized as a government election authority or someone acting under the supervision of a recognized governmental election authority. Those who work under the supervision of a political party (e.g. partisan poll watchers) are not eligible.

Our goal is to match election officials with lawyers. EOLDN’s network consists of individual lawyers and law firms who have agreed to provide pro bono assistance to election officials. **EOLDN is not a Legal Referral Service; there is no fee to participate, and representation must be pro bono.**

Those seeking help from EOLDN may be facing difficult and stressful circumstances. They may feel isolated. They may be concerned that their job is at risk or scared for their safety and the safety of their families. Matters might need urgent attention. EOLDN’s goal is to help election officials receive prompt and competent legal assistance. The rules for participating lawyers and participating law firms help EOLDN achieve these goals.

If you have any questions, please contact us at [help@eoldn.org](mailto:help@eoldn.org).

Definitions:

- **“Participating Lawyers”** or **“PLs”** are individual lawyers who sign up to participate in EOLDN. If they work for a firm, they are signing up independent of their firm as a whole and regardless of whether their firm is a **Participating Law Firm**.
- **“Participating Law Firms”** or **“PLFs,”** are law firms that sign up to participate in EOLDN.
- **“PLF Assigned Attorney(s)”** are lawyers who are assigned to a matter by a PLF.
- **“Requestor”** is the individual submitting a lawyer match request to EOLDN.
- **“Request Intake”** is a procedural meeting with an Intake Volunteer to review the request with Requestor.
- **“Intake Volunteer(s)”** are EOLDN volunteers who will perform Request Intake with a Requestor.
- **“Initial Meeting”** refers to one or more meetings between a PL or PLF Assigned Attorney and a matched Requestor, before any engagement letter is agreed upon.

## Eligibility of Participating Lawyers & Participating Law Firms Assigned Attorneys

EOLDN PLs must meet the following requirements, and PLFs must be able to identify PLF Assigned Attorney(s) who meet these requirements and are willing to abide by these rules:

- Hold active law license in at least one state, a U.S. territory, or the District of Columbia
- Be engaged in the practice of law either full or part-time
- Be in good standing in all jurisdictions in which they are admitted to practice law and have not been subject to discipline in at least the last five years preceding their application to participate in EOLDN
- Have at least five years' experience practicing law. However, attorneys with three or four years' experience may participate in EOLDN, if supervised by an attorney with at least five years' experience.
- PLs must have, or PLFs must carry on behalf of their PLF Assigned Attorney(s), lawyers' professional liability insurance in an amount not less than \$250,000 per claim/\$500,000 aggregate. PLs/PLFs shall provide satisfactory evidence that such coverage is in full force and effect if requested by EOLDN.
- Commit to providing legal services pro bono for EOLDN-matched Requestors. PLs and PLFs, may, however, seek reimbursement from Requestors for reasonable expenses such as court filing fees, travel costs, and research expenses, to be negotiated between a PL/PLF and Requestor directly.
- Not discriminate on the basis of race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, sexual orientation, gender identity and expression, genetic information, and any other class of individuals protected from discrimination under state or federal law.

EOLDN may ask PLs to confirm they still meet EOLDN PL attorney requirements before being matched to Requestor.

## Participating Lawyers/Participating Law Firms: Relationship with Requestor

- **Goal of Requestor & PL/PLF Matching:** EOLDN's goal in pairing Requestors and PLs/PLFs is for PLs/PLFs to provide guidance on legal options available to Requestors and, where appropriate, resolve issues.
- **Equitable Relief vs. Monetary Damages.** PLs/PLFs agree to handle, pro bono, matters seeking equitable relief. However, PLs/PLFs are not required to handle matters seeking monetary damages. If EOLDN is unable to match a Requestor with a PL/PLF willing to handle claims for monetary damages, we may attempt a match with a PL/PLF to consult on the situation. For example, a PL/PLF might be able to suggest other options, such as equitable remedies.

- **PL/PLF Initial Match Outreach Response Time:** When EOLDN asks a PL/PLF if they can be matched with a Requestor, the PL/PLF is to respond promptly, given the request details and any specified deadlines.
  - **Initial Meeting: Timing and Confidentiality:** Once a PL/PLF has agreed to hold an Initial Meeting with a Requestor, the PL/PLF will contact the Requestor within a prompt timeframe to schedule an Initial Meeting. A PL/PLF should be able to hold private and confidential meeting, either in-person, by phone, or online.
  - **Initial Meeting: Oversight:** A PL/PLF Assigned Attorney must be part of each Initial Meeting, even if other lawyers or staff from PL's firm or the PLF are also involved. If a PL/PLF Assigned Attorney only has three or four years' experience, a supervising attorney must also participate in each Initial Meeting.
- **Private Funding Restrictions.** Some states have enacted laws that may restrict the ability of election officials and agencies to receive private funds and/or donated services to support the administration of elections ("**Private Funding Restrictions**" or "**PFRs**"). If applicable, PLs/PLF Assigned Attorneys **shall** discuss the PFRs during the Initial Meeting to determine if the Requestor is permitted to accept this service under PFRs in their state. By moving forward after the Initial Meeting, the PL/PLF has determined that the Requestor is permitted to do so under their state's PFRs. Learn more about state PFRs [here](#).
- **Gifts, Ethics, and Other Laws Applicable to Requestors:** PLs/PLFs understand that Requestors might be subject to laws, rules, and regulations, not including Private Funding Restrictions, that could affect their ability to accept services from third parties, including services provided without charge. By moving forward after the Initial Meeting, the PL/PLF has determined that they are permitted to provide pro bono legal services to the Requestor under applicable gift, ethics, and other laws, regulations, rules, policies, or procedures.
- **Hand-Back Procedures:** PLs /PLFs are not obligated to provide further legal service to a Requestor after an Initial Meeting, and a Requestor may also choose not to move forward. If a PL/PLF declines further assistance, the PL/PLF shall hand the matter back to EOLDN, with a brief explanation, if possible. If a PLF Assigned Attorney cannot handle the matter, the PLF is encouraged to identify another possible attorney within the firm before hand-back. If a Requestor declines to be represented by a PL/PLF, it is the Requestor's responsibility to notify EOLDN, although the PL/PLF may also notify EOLDN.
- **Conflict Clearance:** EOLDN will try to provide information necessary to allow a PL/PLF to conduct a conflict check before agreeing to an Initial Meeting. However, EOLDN understands that information could emerge during an Initial Meeting that could lead to further conflict assessment. If a PL/PLF needs to hand back a case due to a conflict, the PL/PLF shall follow the Hand-Back Procedures.
- **Engagement Letters:** If a PL/PLF and Requestor decide to move forward after an Initial Meeting, the PL/PLF must enter into an engagement letter with the Requestor, even if engagement letters are not required by the applicable ethics rules. CEIR is not party to this agreement and cannot assist with negotiating the agreement.
- **Matter Responsibility/Transfer of Matter Responsibility:** By agreeing to representation, a PL/PLF Assigned Attorney, along with a supervising attorney where applicable, are agreeing to retain ultimate responsibility and control of the matter. However, a PL/PLF Assigned Attorney may involve other firm lawyers or staff, provided the PL/PLF Assigned

Attorney retains control. If it becomes necessary or prudent for a PL/PLF Assigned Attorney to transfer control of the matter to another attorney, the PL/PLF shall confer with the Requestor and then notify EOLDN of such transfer in writing, providing an explanation for why it occurred, if possible.

- **Professional Ethics Rules and Other Related Laws:** PLs/PLF Assigned Attorneys agree that they will represent Requestors in accordance with the ethical rules and other applicable laws in the relevant jurisdiction. A PL/PLF Assigned Attorney shall provide Requestors with the same level of service as provided to the PL/PLF's paying clients.
- **EOLDN-Requestors: No Attorney-Client Relationship:** PLs/PLFs understand that CEIR is not an organization engaged in the practice of law and is therefore not in an attorney-client relationship with Requestors and does not provide legal advice. Understanding that the communications between EOLDN/CEIR and Requestors are unlikely to be covered by privilege, EOLDN will take reasonable steps to protect the information it obtains from Intake Volunteers, Requestors, and their lawyers and will not share this information except with those assisting with the administration of EOLDN, unless required by law. In addition, EOLDN limits the information it collects from potential Requestors to what is necessary to match a Requestor with a PL/PLF.

## Participating Lawyers/Participating Law Firms: Relationship with EOLDN

- **CEIR Role Acknowledgement:** PLs/PLFs acknowledge that CEIR/EOLDN takes no position on the substance or merits of any request or legal matter and plays no role in the representation. A PL/PLF must not state or otherwise suggest in communications, public or private, that CEIR/EOLDN has in any way endorsed a Requestor's request or a Requestor's legal position.
- **No Campaign Intervention:** CEIR is a public charity exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code and may not participate or intervene in any political campaign on behalf of, or in opposition to, candidates for public office. CEIR shall deny any request that it, in its sole discretion, believes constitutes prohibited campaign intervention.
- **Responsiveness:** PLs and PLF primary contacts, shall respond promptly to reasonable requests for information from EOLDN.
- **PL Administrative Contact:** A PL shall designate an administrative contact ("AC") on their sign-up form. The AC shall notify EOLDN if the AC becomes aware of the PL's incapacitation, death, or inability to fulfill the responsibilities of EOLDN participation. This designation is optional if the PL is a solo practitioner.
- **PLF Point of Contact:** A PLF shall designate a primary and a back-up point of contact in the Law Firm Participation Form. EOLDN shall primarily communicate with the firm's points of contact, unless the firm directs EOLDN otherwise.
- **Updating EOLDN:** PLs/ PLFs must provide written notice EOLDN of the following:
  - Changes to contact information, including address, email, telephone number;
  - Changes in professional liability insurance coverage, if it would put the PL/PLF below EOLDN's minimum requirement;
  - If a PL/PLF Assigned Attorney is cautioned, admonished, reprimanded, or disciplined by any disciplinary or grievance committee, agency, or court;

- If a PL/PLF Assigned Attorney is currently under investigation concerning any allegation or professional misconduct or wrongdoing; and
- Any other changes that could meaningfully affect a PL/PLF's eligibility or ability to participate in EOLDN.
- **Match Disposition Report:** Within thirty days after a matter's resolution, PL/PLF shall inform EOLDN of the resolution, including a brief summary of how the matter was resolved: for example, settlement, court order, mediated or arbitrated result.
- **Resignation from EOLDN:** A PL/PLF may resign from EOLDN by providing written notice including the reason for PL/PLF's resignation and the effective date of resignation, if possible. If a resigning PL/PLF has an active matter as of the effective date of resignation, the PL/PLF shall either continue to handle that matter until it is resolved or transfer the matter responsibility as described above. If a resigning PL/PLF later wishes to rejoin EOLDN, the PL/PLF must submit a new sign-up form. If attorneys from a PLF have separately signed up to be part of EOLDN as a Participating Lawyer, a PLF's resignation shall not affect the ability of those lawyers to continue to participate in EOLDN.
- **Suspension, Withdrawal, Removal and/or Other Action Affecting PLs:** EOLDN has the right to remove or suspend PLs/PLFs in its discretion including for violation of attorney eligibility requirements and other rules. Other reasons for removal could include:
  - Repeated failures to meet with or respond to clients in a timely fashion or to respond to EOLDN communications;
  - Serious and/or repeated complaints from clients or EOLDN staff; and
  - Conviction of a misdemeanor or felony in any jurisdiction.
- **PL/PLF Advertising:** A PL/PLF shall not participate in or allow any advertising or other promotional activity that refers to PL/PLF's involvement in EOLDN, except that a PL/PLF may state that they volunteer with EOLDN on their website, in their biographies, in connection with speaking engagements, etc.
- **Indemnity:** As applicable, PLs/PLFs shall indemnify, defend, and hold harmless CEIR and its officers, directors, advisory committee members, employees, agents, affiliates, and contractors from and against any and all claims, liabilities, damages, losses, expenses, demands, suits, and judgments, including without limitation reasonable attorneys' fees and costs, arising from or relating to their representation of an EOLDN-matched Requestor.
- **Supporting EOLDN Evaluation:** To help CEIR assess the efficacy of its work, we ask PLs/PLFs to participate in surveys and other information gathering about their experiences with EOLDN. In addition, PLs/PLFs shall authorize EOLDN/CEIR to contact matched Requestors to survey their experience with EOLDN. EOLDN will not request information covered by the attorney-client privilege and will not disclose individual-level information without the prior written consent of a PL/PLF and Requestor.
- **Rule Changes:** CEIR reserves the right to amend these rules. The date of any amendment will be reflected in the "Last Updated Date" above. EOLDN will notify PLs/PLFs and Requestors of substantive changes by email.