

Appendix I: Guidelines and Protections for Trusted Intermediaries

A Trusted Intermediary is any person who helps another person to use the New Mexico Access/Law Help for All website to obtain information or accesses the website to obtain information on behalf of another person.

A Trusted Intermediary shall not charge a fee to or accept anything of value from a patron for providing access to the portal or assisting the patron to obtain information from the portal, other than an appropriate fee for making a copy of such information at the patron's request.

A Trusted Intermediary who does not provide additional advice or research underlying legal issues, and whose only activities are:

- referring a patron to the New Mexico Access/Law Help for all portal;
- entering information into the portal on a patron's behalf for the purpose of having the portal identify the existence of a potential legal issue;
- assisting a patron to use the portal to find information concerning that legal issue or using the portal for that purpose on the patron's behalf;
- printing or otherwise preserving a copy of that information for the patron;
- entering information on a patron's behalf, or helping a patron to enter information, needed by the portal to determine the patron's eligibility for free, low cost, or standard fee legal services, providing the patron with the results of that determination, and making a referral to the provider; or
- informing a patron of services available from a court self-help center or information website;

shall be immune from claims of unauthorized practice of law.

A Trusted Intermediary shall not provide advice, instruction or comment on what the patron should do to pursue their legal rights OTHER THAN to inform the patron to seek assistance from a legal service provider, private licensed attorney, court self-help personnel or the New Mexico LegalHelp website. However, serving as a Trusted Intermediary does not prevent New Mexicans from providing other advice arising from their training or experience.

A Trusted Intermediary shall be immune from claims of tort liability for negligent legal advice or information provided by the portal.

Confidentiality

Policy to be followed by the portal to minimize the likelihood of lawyer intrusion into the conversations between Trusted Intermediaries and Patrons Interactions with the portal will be anonymous until a referral has been identified for a patron and her or his issue.

At that point, name, address, cell phone, and email address will be entered, along with the patron's preferred method for being contacted, and will be recorded and transmitted as part of the referral to the identified provider. This information will be retained in the portal database for a period of two weeks following the referral. It will be used to send a feedback questionnaire to the patron to assess the effectiveness of the portal process and the performance of the Trusted Intermediary and the legal services provider to whom the referral was made. After the message has been sent, this personally identifying information will be deleted from the portal database.

Legal services providers will establish their own policies concerning the maintenance of such information in their own records. Trusted Intermediaries shall maintain the confidentiality of information provided by patrons in the course of their use of the portal. Should a Trusted Intermediary be called upon by a lawyer to provide information provided by the patron during a portal interaction, s/he shall respond that the system does not maintain any personally identifying information about a patron so s/he has no means of ensuring the reliability of her/his memory of any interaction s/he may have had with the patron.