

PROTOCOL AND PROCEDURE

For

REFERRAL OF MEMBERS TO GSMOL CORPORATE COUNSEL

Introductory Note:

The ability of GSMOL members to directly access the corporate counsel must be carefully guarded. Homeowners throughout California have questions and problems and seek legal advice. However, GSMOL cannot provide the level of attorney advice that is often demanded, nor can effective advice be provided via a quick phone call with the corporate counsel unless the issue is very basic. For those basic issues, GSMOL Zone and Regional Leaders need to first provide information and assistance from the training and materials with which they are equipped. Referral to the Corporate Counsel, or seeking his advice, should only occur when the complexity or severity of the issue requires it, and where the Regional Leader has first exhausted his/her resources to otherwise answer the inquiry. Remember that GSMOL leaders cannot provide" legal advice" to anyone, but can only provide information and guidance. Complex or involved fact patterns, or larger legal issues, may require a more deliberate and detailed approach with Corporate Counsel assistance, or retention of a private attorney.

The following steps should always be followed when Regional Leaders receive a request for legal assistance from a GSMOL member:

1. **Utilize Training and Resources** - When a question is received from a member, the Regional Leader should first consult training materials or resources such as Manuals or Californian articles, or consult with other Leaders about the question or issue presented. That information should be used to respond to the question or refer the Member to a specific resource. If the Leader is uncertain of the answer after consulting his or her own materials, contact should be made to the next highest leader for assistance, continuing on to the Zone Vice President if necessary.
2. **First exhaust other avenues of Assistance** - Before referral to Corporate Counsel, all other avenues of assistance must first be exhausted. The homeowner should follow any procedure for making a complaint to the park owner, or to the Dept. of Housing (HCD) or a local government entity which might be involved. All such efforts should be documented, dated and photographs taken. The homeowner and/or Chapter or HOA should first seek out assistance from local government authorities, such as City or County government if the situation pertains to their jurisdiction. The question or problem must ultimately involve issues which cannot be resolved by local entities. For example, a park owner may have violated a local rent control ordinance or refused to follow requests from local authorities. Senior Adult Legal Services (SALA) and Legal Aid may not want to get involved, or local government may refuse to act. There must be justification for going beyond other available avenues for assistance.

However, it is important to note that enforcement of the Mobilehome Residency Law (MRL) Civil Code provisions typically cannot be had except by an attorney, and in those cases referral to Corporate Counsel may be required. The majority of issues addressed by the Corporate Counsel involve MRL enforcement on behalf of individual Members or Chapters. Neither HCD nor local government can resolve those issues. GSMOL will get involved where the MRL rights of GSMOL members are being violated. But the issue must also have a state-wide or park-wide importance. GSMOL cannot become involved in defending most evictions, especially where failure to pay rent or rules violations are involved. Nor can GSMOL become involved in disputes or restraining order proceedings between homeowners. In those cases, private counsel should be hired.

3. **Refer to Zone Vice President-** If a question of issue cannot be resolved by the Regional Leader and is ultimately referred to the Zone Vice President, the Regional Leader should prepare a summary of the situation, providing as many details and supporting documents as possible and contact the Zone Vice President to discuss. The Zone Vice President may then consult directly with the Corporate Counsel about the issue, or provide written permission for the Corporate Counsel to contact the Member or Chapter directly. But the Zone Vice President's permission must be given before any direct communication with the Corporate Counsel is permitted.
4. **Zone Vice President initiates contact** - If the Zone VP believes that a consultation with the Corporate Counsel may be useful, the Zone VP initiates contact with the Corporate Counsel for that purpose. There may be a conference call, or the Corporate Counsel might instead initiate contact directly to the Member or Chapter if the materials forwarded to him are not complete or further detail is required.
5. **Initial action by GSMOL-** Any action taken by the Corporate Counsel pursuant to this initial contact will be paid by the member(s) at a discount rate. This includes phone calls or preparing an initial demand letter to solve the problem. The Zone Vice President is kept in the loop and may participate in consultation meetings. If the initial efforts are not successful, and potential litigation is required, the matter must transition to a private attorney-client relationship.
6. **Private Retention of Corporate Counsel** - Members need to understand that GSMOL membership does not entitle them to full access to legal representation as with a pre- paid legal plan. Thus, if initial efforts at resolution are unsuccessful, and the problem persists, the Member(s) may be told at any time that they must hire the Corporate Counsel to represent them going forward. At this point, the matter transitions out of GSMOL, and a Legal Services Agreement must be signed which retains the Corporate Counsel privately to continue the representation. At this point GSMOL leadership bows out of the picture, unless further assistance is requested.