

## Family Law

### Modest Means Program

#### **PLEASE READ BEFORE COMPLETING APPLICATION**

The Modest Means program is a reduced fee referral program designed to make legal services accessible to lower and moderate-income people who are ineligible for legal aid. The Modest Means panel is for **family law cases only**. Below is a menu of services that may be taken by a Modest Means attorney. Please note that each legal issue listed below is a separate case and will be treated as different cases and will require different Modest Means agreements. Attorneys who accept Modest Means referrals agree to enter into a written retainer agreement with the referred client and agree to charge no more than \$75 per hour with an initial deposit of \$1,000. After the initial \$1,000 is exhausted, you will be required to prepay additional monies. It is the decision of the attorney to decide how much that is. Please be aware that this is **not a flat fee service**. Please note an attorney has the right to refuse your case at any time, or decide the case is too complex for the Modest Means program or decline if they feel they cannot represent you adequately. It is the discretion of the attorney to decide this and not the program. Also, all services and fees are between the client and the assigned attorney and not the responsibility of the program. Attorneys on the Modest Means program are private attorneys who have agreed to take some cases at a reduced price. They are not government or Legal Aid attorneys.

#### ***Family Law menu of services:***

- a. Annulment/Dissolution of marriage/Legal separation
- b. Support enforcement and/or modification
- c. Custody/visitation rights
- d. Change of name
- e. Settlement agreements
- f. Temporary Restraining orders/Domestic Violence

**To Qualify:** Before you can be referred to a Modest Means attorney you must apply and meet the qualifications. There are four steps to reach before you qualify to be referred to an attorney.

**Step 1:** Complete the online Pre-Qualification form. The website address is:

<https://www.sdcba.org/index.cfm?pg=modestMeansForm>

**Step 2:** If you meet the qualifications of the online form, you will be sent an application. Complete the application and provide 3 current pay stubs or income tax statements, and 3 months of bank statements. If you are self-employed, please provide a Schedule C and Profit & Loss Statement for the current year. If you are not employed, stating your unemployment status and how you will pay for the attorney's services. The household must not have income or assets more than the maximum income levels outline below:

NO. IN HOUSEHOLD	TOTAL MONTHLY INCOME (GROSS)
1	\$2,845.00
2	\$3,670.00
3	\$4,571.00
4	\$5,555.00
5	\$6,500.00
6	\$7,445.00
7	\$8,890.00
8	\$9,330.00

**IF THE CLIENT OWNS PROPERTY OR ITEMS WITH EQUITY- Use this chart**

NO. IN HOUSEHOLD	NO MORE THAN
1	\$3,500.00
2	\$4,400.00
3	\$5,300.00
4	\$6,200.00
5	\$7,100.00
6	\$8,000.00

Please make sure to sign and date your application. Your application will not be processed if you do not fill out the application completely or fail to sign or date. Do not send any original documents, paperwork sent to the program will not be returned.

You will be contacted by email or telephone after your application has been reviewed. Please allow 48 hours for the program to get back to you.

Online application: <https://membercentral.wufoo.com/forms/z1yti62a1czey8e/>

**Step 3:** Once we receive the application, we will review it and contact available attorneys and discuss your legal matter. The attorney does have the option to take or refuse the case. The attorney has the final say as to whether you qualify for the program. Please be aware that this program is for uncontested issues. Please note that if you are not truthful in your application you may be barred from the program.

**Step 4:** If you meet the criteria in steps 1-3, you will be notified by the Modest Means Coordinator with the attorney's contact information. You will be instructed to contact the attorney to make an appointment with their office. The consultation will involve discussing your legal matter and costs. If you decide to hire the attorney, please make sure you read and sign a retainer agreement.

Please be aware that the attorneys on the Modest Means panel have agreed to take cases at a reduced rate of \$75 and do have the right to ask for additional monies to complete the case.

The do have the right to stop working on your case if you cannot pay them or if you do not follow the client's code of conduct. See attached.

If you decide not to hire the attorney, please make sure to contact the program in writing with the reason/s why you did not retain the attorney. We will need this information for our records. We will refer the you to one more attorney. Please be aware that we have a limited amount of Modest Means attorneys on the program and they are not always available. Once you have exhausted the two referrals, you will no longer be referred to additional Modest Means attorneys.

The SDCBA and the LRIS Committee reserves the right to refuse anyone's referral.

**Hiring a Modest Means Attorney:** Whether or not you hire the attorney to represent you after your initial consultation it is a decision between you and the attorney. We cannot guarantee that an attorney will agree to take your case. If you decide to hire the attorney, all correspondence and case details are between you and the attorney with one exception; if you are not truthful in your application, you will be barred from the program.

If you have any questions, please feel free to contact the LRIS program via email at [Iris@sdcba.org](mailto:Iris@sdcba.org) or telephone at 619-231-8585.

## COMMON QUESTIONS ASKED

1. **Is this a Free/Pro Bono service?** No, the attorneys on program are practicing attorneys who are offering representation at a discounted rate.
2. **If I hire an attorney do I have to pay the \$1,000 up front?** Yes, you must have \$1,000 to start the case and additional monies will be required to complete the case.
3. **Are all legal services on the Modest Means program cost \$1,000?** No, the initial prepay deposit is \$1,000. Depending on your legal matter the attorney will ask you for additional money to continue and complete your case. The attorney cannot charge you more than \$75 per hour. You must keep all payments up to date for the attorney to continue to work on your case.
4. **Do the attorneys take credit cards?** Yes, most attorneys take credit cards, but you may want to check with their office and see what form of payment they take.
5. **Can I pay the attorney on a payment plan?** No, all fee's must be kept current and the attorney has the right to ask for additional monies.
6. **Can the attorney ask me for additional money after I have paid him/her \$1,000?** Yes, the attorney can ask for additional money once the initial deposit is low or exhausted. Please note you must keep current with the Modest Means attorneys, they are providing you with their legal services.

7. **What kind of experience do these attorneys have?** The attorneys on the service are licensed and insured attorneys who practice family law. The attorneys on the service have a diverse background and experience level.
8. **What should I do if I decide not to hire the attorney you referred?** Please put the reason/s in writing and request a new attorney. Please note, we will only give the names of the names of two attorneys per legal issue.
9. **What if I am referred to an attorney and I do not want to retain his/her services?** You must contact the program and let us know the reasons why. We will ask you to put your reasons in writing. We will refer you to one more attorney, granted we are able to find an attorney that is available to take your case. We will do our best to secure an attorney for you but cannot guarantee this. The program has a limited number of attorneys and depending on the attorney's workload availability is not always certain.