

## 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 and who meet the eligibility requirements of the program (see below). The Modest Means program is for **family law cases only**. The attorneys who have been accepted into this program are private attorneys – not government or legal aid attorneys – who have agreed to charge no more than \$75 per hour, with an initial deposit of \$1000.

Below is a menu of services that may be provided to an eligible client 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. After the initial deposit of \$1,000 is exhausted, you will be required to prepay additional monies. The amount of additional pre-payments is the attorney's decision. Please be aware that this is **not a flat fee service**. The 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 he/she feels he/she cannot represent you adequately. All services and fees are between the client and the assigned attorney and not the responsibility of the program.

#### ***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 in the process before you qualify to be referred to an attorney.

**Step 1:** Complete the online Pre-Qualification form:

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

**Step 2:** Complete the "Request for Participation in Modest Means Program" that appears if you meet the criteria in the Pre-Qualification questions. You will be asked to and provide 3 current pay stubs or income tax statements, and 3 months of bank statements. If you are self-employed, please provide copies of tax returns from the past two (2) years. If you are not employed, provide a copy of your unemployment or SSD/SSI monthly benefits and how you will

pay for the attorney’s services. Note: In order to qualify for this program, the household may not have income or assets in excess of 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

Please make sure to sign and date your “Request for Participation in Modest Means Program”. Your submission will not be processed if the request is incomplete or if you fail to sign or date. Do not send any original documents; paperwork sent to the program will not be returned.

**Step 3:** Once we receive the request, we will review it and contact available attorneys and discuss your legal matter. The attorney has the option to take or refuse the case. The attorney has the final say as to whether or not 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 do not meet the criteria in steps 1-3, you will be notified of that outcome. If you do 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 his/her office. A free, 30-minute 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 have the right to ask for additional upfront deposits to continue working on your case. The attorney has the right to stop working on your case if you cannot pay him/her or if you do not follow the client’s code of conduct. [Click here for Client’s Code of Conduct.](#)

If you decide **not** to hire the attorney, please make sure to contact our program at [Iris@sdcba.org](mailto:Iris@sdcba.org) with the reason/s why you did not retain the attorney. We will need this information for our records. Once we receive this information, we will refer you to a different attorney. Please be aware that we have a limited amount of Modest Means attorneys on the

program. Once you have exhausted the two referrals, you will not receive any additional referrals to Modest Means attorneys.

The SDCBA and the LRIS Committee reserve the right to refuse to make a referral.

If you decide to hire one of the program attorneys, 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 [lriscba@sdcbba.org](mailto:lriscba@sdcbba.org) or telephone at 619-231-8585.

### FREQUENTLY ASKED QUESTIONS

1. **Is this a Free/Pro Bono service?** No, the attorneys in the program are private attorneys who are offering representation at a discounted rate.
2. **If I hire an attorney do I have to pay the \$1,000 upfront?** Yes, you must have \$1,000 to start the case and additional, upfront monies will be required to continue/complete the case.
3. **What is the hourly rate?** . The attorneys in this program agree to charge no more than \$75 per hour. You must keep all payments up to date in order for the attorney to continue working on your case.
4. **Do the attorneys take credit cards?** Yes, most attorneys take credit cards, but you may want to check with the attorney's office and see what form of payment he/she accepts.
5. **Can I pay the attorney on a payment plan?** No, all fees must be kept current and the attorney has the right to ask for additional upfront monies.
6. **What kind of experience do these attorneys have?** The attorneys in this program are licensed and insured attorneys who practice family law and have been approved for this program by the San Diego County Bar Association after a rigorous application process. The attorneys in this program have diverse backgrounds and experience.
7. **What should I do if I decide not to hire the attorney you referred?** Please contact [lriscba@sdcbba.org](mailto:lriscba@sdcbba.org) with the reason/s you are not hiring the attorney. You may request another referral, but please note that we will only provide referral to a total of two attorneys per legal issue.

### Modest Means Code of Conduct & Client Agreement

1. Clients must treat SDCBA Specialists and referred attorneys with dignity, respect and courtesy.

2. Clients must not engage in offensive language or behavior toward SDCBA staff or attorneys. They will immediately be barred from the program.
3. Clients must be truthful on Modest Means application. If they are not they will be barred from the program.
4. Clients must understand that they will be required to pay an initial deposit of \$1,000. The attorney has the right to ask for additional monies once the initial deposit becomes low or exhausted. You must agree to keep all payments up to date for the attorney to continue working on your case.
5. If a client has an issue or problem with an attorney, they must contact the LRIS program as soon as possible. All complaints must be in writing.
6. If you and your attorney have a disagreement about strategy, you have the right to seek new representation. Please be aware that only one more attorney will be referred through the program. If you are still dissatisfied, you will need to seek representation independently.
7. If a client qualifies for the program they will be referred to a Modest Means attorney. If the client decides that they do not want to retain the services of the attorney, they will be referred to another attorney. Please be aware that the program will only refer to a maximum of two attorneys.
8. If you decide to terminate the services of the attorney, you must make sure you have a completed "Substitution of Attorney" document filed with the court. Also, you must not be current on the bill with the hired attorney. We cannot refer you to a second attorney if you owe the attorney money.

**I understand and agree to the Client Agreement. If I do not adhere to these terms I will be immediately barred from the program.**

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Please return to the LRIS Program Specialist @ [Iris@sdcba.org](mailto:Iris@sdcba.org)