

Family Law

Modest Means Program

Policies and Procedures

Program Guidelines

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. Attorneys who accept Modest Means referrals agree to enter into a written retainer agreement with referred client and agree to charge no more than \$75 per hour with an initial retainer fee of \$1,000. Additional monies can be requested once the initial retainer is low or exhausted. The client must keep all payments up to date for the attorney to continue to work on the case. Attorneys have the right to cease services if the client's payments are past due. Each legal issue listed below is a separate case and can be treated as different cases and will require a different Modest Means agreements. Attorneys have the right to refuse cases at any time, or if they decide the case is too complex for the Modest Means program, or if they feel they cannot represent the client adequately.

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

Client Screening Process (instructions given to the client)

There is a 2-part screening process that the client must complete before being referred to an attorney. Below are the instructions given to the client to qualify for the program:

To Qualify: Client's must meet the requirements Pre-qualification form and the Modest Means program application.

Client Instructions:

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

<https://www.sdcb.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 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 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/>

Completion of Step 1&2: Upon receipt of the client’s completed application, LRIS staff will review the forms and determine whether the client qualifies for the program. If the client qualifies for the program, LRIS team will contact the next attorney that appears on rotation and will discuss the nature of the case and see if the attorney is available to take the case. If the attorney accepts, the client will be given the name and telephone number of the referred attorney. The client contacts the attorney and discusses the case.

Mentor attorneys are available to panel members who need assistance or have questions about a case. Mentor attorneys have at least five years of experience and provides professional guidance and shares his/her practical knowledge and skills with the panel member. If a mentor attorney is needed the Modest Means attorney calls the LRIS program for a referral.

ATTORNEY REGISTRATION AND ELIGIBILITY

ELIGIBILITY- Attorneys must satisfy the following requirements to be eligible to participate in the program:

Each panel member must:

- ◆ Be an active member of the State Bar of California with no record of discipline, including but not limited to probation, suspension, or failure to pay State Bar dues within the preceding twelve months. A panel member must notify the LRIS program in writing within ten days of any discipline imposed by the State Bar;
- ◆ Maintain an office in San Diego County, the address of which must also be the address of record with the State Bar of California. The panel member must regularly practice law in San Diego County and be available to receive mail, accept service, and meet with clients in San Diego County at a designated office space during regular business hours;
- ◆ Maintain errors and omissions insurance in an amount not less than \$100,000 for each occurrence and \$300,000 aggregate per year;
- ◆ Maintain an operative office telephone number where the member can be reached during normal business hours and is available for clients to call;
- ◆ Maintain a working email address;
- ◆ Agree in writing to abide by the LRIS Rules of Operation and any subsequent changes thereto;
- ◆ Complete, sign, and return the LRIS attorney application to the LRIS office;
- ◆ Attend an orientation/substantive law seminar such as the San Diego Volunteer Lawyer's Fundamentals of Family Law or demonstrate attendance at an equivalent program;
- ◆ Agree to enter into a written retainer agreement with the referred client and agree to charge no more than \$75 per hour with a retainer fee not to exceed \$1000;
- ◆ Agree to provide a half hour consultation at no charge to the client;
- ◆ Agree to communicate regularly with LRIS staff, including updating online profiles, reports, unable to accept referrals for a period due to vacation, leave of absence, heavy caseload or any other reason.
- ◆ Agree to keep clients reasonably informed about the status of their matters and respond to reasonable requests for information. Attorneys will return calls and emails promptly and will provide client with copies of important papers and letters.
- ◆ Submit to binding arbitration by the Fee-Arbitration Committee or other body approved by the Board for any fee dispute between the member and the client referred by LRIS, if the client so elects.

APPLICATION REQUIREMENTS: All applicants for panel membership as either a Modest Means or Mentor attorney will complete the Modest Means application and certify annual that he/she continues to be eligible for panel membership.

The membership year is January 1 through December 31. To avoid inactive status, the panel member must pay SDCBA membership dues by January 1.

All attorneys are must complete the following forms and return them to LRIS:

- ◆ Modest Means Membership Application
- ◆ Insurance Declarations Page
- ◆ CLE Certificate SDVLP Fundamentals of Family Law (Mentor attorneys excluded)
- ◆ Resume or CV (optional)

HANDLING REFERRALS (ATTORNEYS)

Attorneys who are referred a Modest Means client are solely responsible for serving the client, will personally conduct the initial interview and handle all legal representation.

- (a) Subject to the attorney's ethical obligations to the client and the court, the attorney may refer the client back to LRIS staff if he/she decides not to handle the client's matter or a conflict of interest arises. If the client no longer meets the financial eligibility requirements of the Modest Means Program, and if the retainer agreement with the client permits, the attorney will be permitted to renegotiate the fee agreement or refer the client back to staff for referral through the regular LRIS referral system
- (b) It is the obligation of each attorney to whom a Modest Means client is referred to determine at the outset whether a conflict of interest exists, and, if so, to immediately report such a determination back to the LRIS staff and facilitate the referral of the client to the next available Modest Means attorney.
- (c) If at any time during the representation of a Modest Means client the attorney determines that he/she does not have the qualifications or expertise required by the circumstances of the client's case, he/she will be obligated to obtain a Mentor Attorney assignment if one has not already been made, or to refer the client back to the LRIS staff for another.

ATTORNEY FEES AND REPORTING

- (a) Attorneys will charge Modest Means client's reasonable attorney's fees (including fees for support staff) as dictated by the client's financial and other circumstances and at rate substantially less than the attorney's customary rate, which is not to

- exceed \$75 per hour and an initial retainer fee is \$1000. Additional monies can be requested once the initial retainer is low or exhausted. The client must keep all payments up to date for the attorney to continue to work on the case. Attorneys have the right to cease services if the client's payments are past due
- (b) The attorney and the client will agree in advance upon the fee arrangement and will reduce that agreement to writing.
 - (c) Attorneys are not obligated to render service beyond the initial consultation in the event he/she is unable to reach a reasonably satisfactory fee arrangement with the client for further services, or determines the client's matter does not have merit, or if the attorney deems him/herself to have a conflict of interest.
 - (d) Mentor attorneys may provide consultation services either as a public service or as agreed upon between the Attorney and the Mentor Attorney. In no event will a compensation agreement between the Attorney and the Mentor attorney for the Mentor's services increase the cost of the legal services provided by the attorney without prior full disclosure to and written consent of the client.
 - (e) Referral fees are not payable to the LRIS by a panel attorney for services rendered in the Modest Means Program.

Common Questions Asked

1. How long does it take for my LRIS membership application to be processed?

It takes about one month for applications with complete documentation to be processed. The LRIS Committee reviews all completed membership applications monthly. All applications with completed documents must be received by the second Thursday of each month for review that month.

2. How do I access the SDVLP Fundamentals of Family Law course? Once a year the course is given by the San Diego Volunteer Lawyer Program. Dates are to be determined. The course is available as a self-study.

Follow the link to view the program details:

<https://www.sdcbabar.org/index.cfm?pg=semwebCatalog&panel=showSWOD&seminarid=7066>

3. What do I do if I am not able to take a case? If you are unable to take a case, please refer the client back to the LRIS program. LRIS staff will find another attorney to assist.

4. How do I know if the client has been pre-screened and qualifies for the Modest Means program? An LRIS Specialist will contact you prior to giving the client your name. They will give you the client name to check for conflicts and if you accept they will forward over a referral with the client's information.

5. How does the retainer and fee's work? You will initially collect a \$1,000 retainer from the client and can charge them no more than \$75 per hour. Once the retainer is exhausted you can requested additional monies to complete the case. It is up to attorney to determine how much you will need to continue the case. Clients must be current on all bills for services to continue.

6. How do I contact a Mentor attorney? If you need a mentor attorney, please call the LRIS program and ask to be referred to a Modest Means mentor attorney. We will email you the names of mentors that you can contact.

7. What if I do not have an insurance carrier? Do you have any suggestions? If you do not have an errors and omissions policy, the San Diego County Bar Association does offer liability insurance through Ahern Insurance Brokerage. For more information on AIB professional liability insurance, please contact Sheila Denessen, CISR at (858) 514-7131 or via e-mail at info@aherninsurance.com

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