

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 \$150 per hour, with an initial deposit of \$1,500.

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 \$1,500 is exhausted, you will be required to prepay additional monies (“replenish” the retainer). The amount of additional pre-payments is the attorney’s decision based on the amount of work that remains to be completed. Please be aware that this is **not a flat fee service-Attorneys on the panel charge by the hour**. At any point during the representation, the attorney may feel that the case has become too complex for the Modest Means program or may feel that he/she cannot represent you adequately. If that occurs, the attorney may request that you sign a Substitution of Attorney or the attorney may file a motion in court requesting to withdraw as your attorney. All services and fees are between the client and the assigned attorney and not the responsibility of the program.

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| <h3>Modest Means Program Guidelines</h3> |
| <p>Fee: \$1,500 retainer & \$150 hourly rate</p> |
| <p>Services covered under the Modest Means program guidelines:</p> <ul style="list-style-type: none"> • Annulment; • Dissolution of Marriage; • Legal Separation; • Paternity; • Department of Child Support Services (DCSS); • Child and spousal support issues to include requests for, modification of or opposition to support; • Child Custody; • Visitation rights; |

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| <ul style="list-style-type: none"> • Name change; • Settlement Agreements; • Mandatory Settlement Conferences. |
| Services not covered with under the Modest Means program: |
| <ul style="list-style-type: none"> • Child Welfare Service (CWS) investigations; • Trials; Temporary/Permanent Restraining Orders (Domestic Violence); <ul style="list-style-type: none"> • Discovery; • Evidentiary hearings. |
| ADDITIONAL COSTS: |
| <ul style="list-style-type: none"> • \$435 initial filing fee-one-time payment to court (fees are subject to change by the CA Superior Court). • Additional filing fees payable to the court for each motion filed. Current filing fees range between \$60-\$85. |

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”. If you meet the criteria in the pre-qualification section, you will be asked to provide 3 current pay stubs, your last income tax return, and 3 months of bank statements for all accounts you have. If you are self-employed, please provide copies of tax returns for the last two (2) years to include your Schedule C and a current year-to-date Profit and Loss statement. If you are not employed, provide a copy of your unemployment or SSD/SSI monthly benefits and a description of 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 outlined 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 |
| Real Property Equity | No more than \$30k per family |

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 the document. 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 meet with you to see if the attorney can help you or decline to take the case. The attorney has the final say as to whether or not the attorney believes you qualify for the program based on the parameters outlined above. 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 all together.

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 asked 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. The attorney should provide you with a signed copy of the retainer agreement.

Please be aware that the attorneys on the Modest Means panel have agreed to take cases at a reduced hourly rate of \$150 and have the right to ask for additional upfront deposits to continue working on your case. If you can no longer pay the attorney or if you do not follow the client’s code of conduct, the attorney may request that you sign a Substitution of Attorney or the attorney may file a motion with the court requesting to withdraw as your attorney. 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 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 Iris@sdcba.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 \$1,500 upfront?** Yes, you must have \$1500 to start the case. Once the payment of \$1,500 is exhausted (which equates to 10 hours of attorney time), you are responsible for replenishing the retainer based on what the attorney is requesting to continue/complete the case.
3. **What is the hourly rate?** The attorneys in this program agree to charge no more than \$150 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?** 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 Iris@sdcba.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. If client does so, they will immediately be barred from the program.
3. Clients must be truthful on the Modest Means application. If they are not, they will be barred from the program. Clients agree and hereby give the SDCBA permission to release copies of the documentation and information they provide to the SDCBA to qualify for the program to the attorney to ensure that the client indeed qualifies for the Modest Means program.

4. Clients understand that they will be required to pay additional monies to the attorney which shall be determined by the attorney 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 delinquent on the bill with the hired attorney. We cannot refer you to a second attorney if you owe the previous attorney money.
9. If your case becomes contested, complex, or falls within the "services not covered" listed above, you agree to cooperate with the attorney if a request is made for you to sign a Substitution of Attorney. This does not bar you and the attorney from reaching a different agreement regarding fees and entering into a new fee contract should you and the attorney agree to do so. If you and the attorney do not reach an agreement, the attorney may file a motion in court requesting to withdraw as your attorney.

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

Please return to the LRIS Program Specialist @ lr@sdcb.org