

NHBA Modest Means Legal Program

IOLTA Six-Month Report (June – November 2018)

Submitted By: Virginia Martin, Associate Executive Director for Legal Services

Introduction

For over 37 years, the New Hampshire Bar Association's Modest Means Legal Program (formerly the Reduced-Fee Referral Program) has been a valuable resource for lower-income people in New Hampshire in need of affordable legal services. Modest Means serves members of our communities who fall into the legal services gap--unable to afford standard legal fees but earning too much to qualify for free legal services. As with Pro Bono, the program makes referrals for a variety of legal issues, from divorce and parenting to bankruptcy but also handles minor criminal matters as well, which don't qualify for court-appointed counsel. Programs within the legal services network rely on Modest Means as a key resource to help families and individuals who would otherwise have no viable options for legal services.

The Modest Means Model

Recognizing the need to increase access to justice for more Granite Staters in the legal services gap, the NH Bar Association revamped and expanded the Reduced-Fee Program in 2017. In tandem with financial eligibility changes detailed below came a new name to reflect the program's purpose more aptly--the Modest Means Referral Program. Unlike Reduced-Fee, the title "Modest Means" puts the focus on the client's circumstances rather than the fees being charged. The re-envisioned program offers a sliding-fee scale divided into three segments based on household income:

- Up to 250% of federal poverty guidelines (\$41,150 for a household of two)—an attorney fee cap of \$80 per hour
- Between 251% and 300% (up to \$49,380 for a two-person household)--a fee cap of \$100 per hour
- Between 301% and 325% (up to \$53,495 for a two-person household)--an hourly fee cap of no more than \$125 per hour

By making legal services accessible to lower and moderate income people, panel members are also able to grow their practices while continuing to help those in need of legal assistance. There is no membership fee required to join the Modest Means Legal Program and attorneys do not need to remit any of the fees they earn back to the program as required with full-fee.

Referral Activity

For financially eligible clients, the Modest Means Program offers referrals in two dozen areas of law—from bankruptcy and debt collection to all family law issues. More than 300 people were linked with attorneys during the first half of the grant year. The Program had hoped to refer about 100 more people at grant midpoint. The downturn is directly attributable to staffing at only 60% of the normal pattern (1.8 FTE instead of 2.5), which has now been rectified. (The low unemployment rate was one of the problems confronted in trying to find a good skills for the position.) Thankfully, as of December 2018, Modest Means is once again fully staffed and referrals for the second half of the year should reflect this.

Family law remained the top requested subject area for assistance at well over half of all attorney referrals. Tenants, too, find legal help through Modest Means to preserve their shelter as the following story illustrates:

Mr. & Mrs. L., the parents of two young children, contacted the Modest Means Legal Program last summer when threatened with eviction. Their landlord claimed he did not have their security deposit, which he asserted either his management company had lost or the couple never paid. He demanded they pay him \$800 for the missing deposit or be evicted. With an annual income several thousand beyond the legal services eligibility cut off, they didn't qualify for free services but desperately needed legal help to try to hang onto their apartment.

They tried calling several private attorneys on their own but couldn't afford the quoted fees. Fortunately, they learned of the Modest Means Program and once qualified, Mr. & Mrs. L received a referral to a panel attorney signed on to help them at no more than \$80 per hour. The referred attorney accepted the case and filed a suit for common law conversion, violations of 540-A:6, and unjust enrichment. The Modest Means attorney helped his clients settle the case with the landlord before the final hearing. Not only did the couple receive credit for their security deposit, the landlord paid them damages of \$1500 plus attorney's fees and costs. Through the Modest Means Program, this family was able to obtain justice and maintain a roof over their heads.

Summary

Thanks to funds from IOLTA augmenting other support, Modest Means plays a critical role in making affordable legal services accessible to the near poor. The Program anticipates full staffing and subsequent enhanced outreach during the next six months will allow the program once again to reach prior levels of service.

New Hampshire Bar Association

Reduced Fees Program
Referrals sent between 6/1/18 and 11/30/18

Main Problem Code	# of Referrals	% of Total Referrals
Administrative Law	7	2.32%
Bankruptcy Law	18	5.96%
Collections Law	4	1.32%
Criminal Law	19	6.29%
Civil Litigation	1	0.33%
Education Law	1	0.33%
Family Law	177	58.61%
Immigration Law	4	1.32%
Employment Law	3	0.99%
Landlord-Tenant Law	10	3.31%
Neighbor Disputes	2	0.66%
Probate Law	6	1.99%
Real Estate Law	3	0.99%
Tort Law	5	1.66%
Foreclosure Relief Project	42	13.91%
	302	
	<hr/>	
	(total # of Referrals)	

New Hampshire Bar Association

Referrals by Referral County

Reduced Fees Program

Referrals sent between 6/1/18 and 11/30/18

Referral County	# of Referrals	% of Total Referrals
No County Specified	1	0.33%
Belknap	4	1.32%
Carroll	26	8.61%
Cheshire	4	1.32%
Coos	3	0.99%
Grafton	23	7.62%
HillsNorth	40	13.25%
HillsSouth	52	17.22%
Merrimack	57	18.87%
Out of State	9	2.98%
Rockingham	53	17.55%
Strafford	11	3.64%
Sullivan	19	6.29%
	302	
	<hr/> (total # of Referrals)	