

# **The NHBA Modest Means Program**

(Formerly the Reduced Fee Referral Program)

Fiscal Year 2018/2019 Year-End IOLTA Report  
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## **Introduction**

The Modest Means Program plays a key role within the legal services delivery network, providing affordable legal services to those just over the financial guidelines for Pro Bono or other free legal services. With average hourly attorney fees ranging \$250-300 or higher, most private legal services are out of reach for many hard-working families trying their best to get by, especially in a state with such high housing and utility costs. The Bar Association's Modest Means Program provides a gateway to affordable options, offering referrals for a variety of case types, including minor criminal matters, to attorneys located throughout the state.

## **The Reduced-Fee Program Re-envisioned**

Early in FY 2017/18, the NH Bar Association expanded the Reduced-Fee Program as the result of strategic planning by the NHBA Board of Governors and the Lawyer Referral Subcommittee, which oversees the program. The goal: increase access to legal services for people in the legal services gap—too few resources to pay full legal fees but too many resources to qualify for free assistance. With this expansion came a new name to reflect the program's purpose more aptly--the Modest Means Referral Program, which emphasizes a focus on the applicant's financial circumstances rather than fees being charged. The re-tooled program employs a sliding-fee scale that is split into three sections depending on household income:

- Up to 250% of federal poverty guidelines—an attorney fee cap of \$80 per hour
- Between 251% and 300%--a fee cap of \$100 per hour
- Between 301% and 325%--an hourly fee cap of no more than \$125 per hour.

While making legal services accessible to lower and moderate income people, panel members are also able to grow their practices. There is no membership fee required to join the program and attorneys do not need to remit any of the fees that they receive to the program.

## **Client Services**

Last fiscal year almost 660 people were connected with attorneys through the Modest Means Program, benefitting close to 1200 household members. This number reflects a decline over the prior year attributable in part to fewer client referrals to Modest Means from partner agencies, which we are exploring and

addressing. The vast majority of the clients qualifying for the Modest Means Program qualified to pay the hourly rate of \$80 per hour (74%); with 22% at the \$100 per hour rate, and the balance at \$125 per hour. Modest Means offers two dozen areas of law for referrals—from all types of family law to bankruptcy and foreclosure—in which qualified applicants can receive referrals. By far, at 63%, family law remained the most commonly requested subject area for assistance. Bankruptcy and collections together represented 17% of requests. (See statistics at the end of the report.)

The client stories behind the statistics show the real benefit of the program from the perspective of those receiving the services:

#### Student Loans/Bankruptcy

*A young mother in Hillsborough County contacted the Modest Means Legal Program for a Chapter 13 bankruptcy referral because she was overwhelmed with student loan debt. She had defaulted on her student loans due to her inability to secure employment after suffering an assault. Her main concern was for her father, who had co-signed the loans. She had been unable to obtain deferment or forbearance for the loan, and a collections agency had begun to aggressively pursue her father, who had a pending mortgage application for the purchase of a home. While under the protection of the bankruptcy, the Court gave her time to propose a plan to make affordable payments. The bankruptcy case also afforded her father the benefit of a Co-Debtor Stay, so he would no longer be harassed by the collection agency.*

*During the course of the bankruptcy proceedings, the Modest Means attorney was able to obtain forgiveness for one of her loans in the amount of \$38K and referred her to career counseling who assisted her in occupational rehabilitation and finding employment in her chosen profession. Additionally, with the protection afforded to her father during the bankruptcy preventing damage to his credit rating, he was able to obtain a mortgage to purchase his home. With the time and breathing room afforded to her by the bankruptcy court, she was able to secure more lucrative employment in her chosen field and she is making payments on a 36-month plan.*

#### Family Law

*False allegations of child abuse filed against a mother of three in Sullivan County resulted in the paternal grandmother obtaining temporary guardianship of the children. Unable to afford standard legal fees and with so much at stake, the client—the mother--turned to the Modest Means Legal Program. She was matched with an attorney who was successful in getting the Court to see through the paternal grandmother's attempt to obtain more parenting time for her son who was not successful in obtaining it on his own. Access to representation through Modest helped the client navigate this nightmare and achieve her goal of reunification with her kids.*

## **Summary**

All of the legal services programs (NHLA, LARC and Pro Bono) rely on Modest Means as a viable legal resource for people with incomes just over their financial guidelines. As the stories above demonstrate, families and individuals with modest incomes experience many of the same issues as those qualifying for free services, and desperately need legal services to resolve fundamental life issues. IOLTA funding helps make these efforts possible in keeping affordable legal assistance within reach for those who need it most. The challenge for next year is to spread the word more widely to increase the number of people who access/benefit from the program's assistance.

## FY 2019 Modest Means Program Statistics

### ***New Hampshire Bar Association***

#### **Referrals by Referral County**

Reduced Fees Program

Referrals sent between 6/1/18 and 5/31/19

<b>Referral County</b>	<b># of Referrals</b>	<b>% of Total Referrals</b>
Belknap	15	2.29%
Carroll	61	9.30%
Cheshire	12	1.83%
Coos	3	0.46%
Grafton	40	6.10%
HillsNorth	100	15.24%
HillsSouth	113	17.23%
Merrimack	122	18.60%
Out of State	32	4.88%
Rockingham	117	17.84%
Strafford	13	1.98%
Sullivan	28	4.27%
	<b>656</b>	
	<b>(total # of Referrals)</b>	

## ***New Hampshire Bar Association***

Modest Means Legal Program  
Referrals sent between 6/1/18 and 5/31/19

<b>Main Problem Code</b>	<b># of Referrals</b>	<b>% of Total Referrals</b>
ADMINISTRATIVE LAW	13	1.98%
BANKRUPTCY LAW	81	12.34%
COLLECTIONS LAW	31	4.72%
CONSUMER LAW	3	0.45%
CRIMINAL LAW	41	6.25%
CIVIL LITIGATION LAW	5	0.76%
EDUCATION LAW	5	0.76%
FAMILY LAW	415	63.26%
IMMIGRATION LAW	7	1.06%
LABOR LAW	5	0.76%
LANDLORD-TENANT LAW	18	2.74%
MILITARY LAW	1	0.15%
PROBATE LAW	13	1.98%
REAL ESTATE LAW	13	1.98%
TORT LAW	8	1.22%
TAX LAW	1	0.15%

656  
(total # of Referrals)