

# **The NHBA Modest Means Program**

(Formerly the Reduced Fee Referral Program)

## **Fiscal Year 2017/2018 Year-End IOLTA Report**

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### **Introduction**

The last fiscal year marks the first year of operations for the revamped Reduced-Fee Referral Program, now entitled Modest Means Program to more accurately reflect the target client population. The program has more expansive guidelines as it continues its goal of providing an affordable source of legal services for lower-income people unable to afford standard legal costs but over the financial guidelines for Pro Bono or other free legal services. With average hourly attorney rates ranging \$200-300 or higher, most private legal services are simply out of reach for many hard-working families trying their best to get by. Fortunately, the Bar Association's Modest Means Program opens the door to affordable options, providing referrals for a variety of different case types, including minor criminal matters, to attorneys located throughout the state.

### **Updating and Rebranding the Reduced-Fee Program**

At the outset of 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 ultimate goal is to 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. Along 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 client's circumstances rather than fees being charged. The re-envisioned program provides 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.

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 program and attorneys do not need to remit any of the fees that they receive to the program.

### **Client Services**

Last year 825 people were connected with attorneys through the Modest Means Program last year, benefitting 1976 household members. This number reflects a decrease from the prior year due to a staffing vacancy for the last four months of FY 2018. (A low unemployment rate makes hiring at nonprofit wages a challenge!) Thankfully, the position has now been filled and Modest Means is positioned to fulfill its goal of increasing opportunities for its target population to access affordable legal services. 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. A majority of the clients qualifying for the Modest Means Program qualified to pay the hourly rate of \$80 per hour (651); 124 qualified at the \$100 per hour rate, and 50 people, who did not qualify previously under the Reduced-Fee Program, qualified for assistance at the \$125 per hour rate. Family law remained the top requested subject area for assistance at well over half of all referrals. Foreclosure Relief Project referrals accounted for 11% of referral requests followed by bankruptcy referrals at 6%.

Numbers tell only part of the story. The clients behind the statistics show the real benefit of the program:

Ms. K. had been working for her landlord and receiving housing at a reduced rate. She had some health issues, which she did not believe interfered with her job duties, but her landlord took her off the schedule so she was not earning any money. A week before Thanksgiving she was served with an eviction notice to vacate the day after Thanksgiving, which was devastating for her and her family. Finding affordable housing is not easy in the Granite State and Ms. K could not move until after the first of the month as she did not have the funds for a security deposit and first month's rent. Contacting the Modest Means Program, she was connected with an attorney, who negotiated with the landlord's attorney and resolved the matter favorably to the client, giving her additional time to secure housing. The Modest Means attorney also provided the client with information about where to file an employment discrimination complaint that is currently under investigation. The client was very grateful for the assistance she received, making the attorney feel rewarded professionally and personally. As the client wrote to Modest Means in a survey:

"I am so grateful to your program and to [the attorney] who has been compassionate with our situation and us. Her confidence is wonderful and I felt from the beginning that I am in good hands with her. [She] has been on top of things from the beginning. . . and seems to know exactly what she is doing but most appreciated is the way she listens to our situation and to us. And she shows she cares. I am grateful for all she is doing and has done. Thank you for referring her to us."

### **Summary**

The Modest Means Program is a valuable resource within New Hampshire's legal services network, counted on by NHLA, LARC and Pro Bono to help fill the legal services gap. As the story recounted above illustrates, families and individuals with modest incomes experience many of the same issues as their counterparts, who have even less. With a full complement of staff, the program anticipates conducting wider promotion of its services in the upcoming year to help assure those who need the services have awareness of this important resource. IOLTA funding helps make the program's efforts possible in keeping affordable legal assistance within reach for those who need it most.

## FY 2018 Modest Means Program Statistics

Belknap	98
Carroll	72
Cheshire	72
Coos	71
Grafton	121
Hillsborough	577
Merrimack	205
Out of State	215
Rockingham	334
Strafford	136
Sullivan	75