

The NHBA Reduced-Fee Referral Program

Fiscal Year 2016/2017 Year-End IOLTA Report

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Introduction/Overview

The Reduced-Fee Referral Program continues to be a valuable resource for lower-income people in need of legal services on a wide range of issues. For those whose income is insufficient to pay standard legal fees and pro bono assistance is not available, the Reduced-Fee program may be the solution. The program screens callers and if eligible, pairs them with attorneys in the area of law related to their legal issue. By providing a vast selection of case types and list of attorneys throughout the state, the program provides an opportunity for individuals to obtain the affordable legal assistance they need.

Rebranding of the Reduced-Fee Program

Previously, individuals whose gross household income was up to 275% of poverty would be eligible for services through the Reduced-Fee program. The maximum hourly rate qualified individuals could be charged by panel members was capped at \$80 per hour. Individuals that fell outside the guidelines were ineligible for reduced-services through the program and likely would have to represent themselves in the judicial system or hire an attorney who would charge standard legal fees. The Reduced-Fee program was expanded to make affordable legal services available to more people while simultaneously making participation in the program feasible for more attorneys.

The purpose of the Modest Means Program is to provide a sliding-fee scale for financial eligibility that is split up into three sections. Clients with a Gross Household Income of up to 250% of poverty could be charged up to \$80 per hour; clients with a Gross Household Income between 251% and 300% could be charged up to \$100 per hour; and clients with a Gross Household Income between 301% and 325% could be charged up to \$125 per hour. By making legal services accessible to lower and moderate income people, panel members are able to grow their practice while continuing to help those in need of legal assistance.

Referrals / Client Services

Referrals through the program have increased, 953 compared to 939. As usual, assistance with family law remained the top caller request, with 51% of Reduced-Fee referrals (486) meeting this need. Foreclosure Relief Project referrals accounted for 21% of referral requests (203), followed by low-level criminal matters at 7% of requests (71).

The Reduced-fee program offers 16 other areas of law that referrals can be requested in, including civil litigation defense. As illustrated in the case below, obtaining legal counsel for a case involving valuable assets, such as a home, was essential.

“Mr. U, a 72-year-old man in Carroll County, was in danger of losing his family home after his mother passed away. He had purchased the house prior to her passing, but with her gone, his siblings filed a suit to dispute his ownership. Without the means to pay an attorney’s full legal fees, he attempted to handle matters on his own, but ultimately fell behind on discovery deadlines. Feeling extremely overwhelmed, he contacted the Reduced-Fee Program, who referred him to an attorney that not only helped him sort out all the paperwork he had gathered over the last 20 years to get his discovery obligations completed, but also eventually helped him resolve the dispute with his siblings in mediation. The attorney is still helping the client with post-settlement agreement issues, but overall the client received the help he desperately needed. Having access to legal assistance where he otherwise would not have, based on his modest income, saved him his house and, in the long run, his health.”

Those contacting the Reduced-fee program are not always single individual households. In fact, 2174 total household members were helped through the program. When several people in a household could be effected by the legal matter, it may be beneficial to speak with an attorney.

“Mr. and Mrs. B were desperate for legal help. They were renting an apartment in Merrimack County from a landlord who attempted to break the lease. He wanted the couple to move out early, but they were unable to find suitable housing on such short notice. Upon being notified of their refusal to immediately vacate, the landlord shut their water and heat off to force them out, violating New Hampshire landlord-tenant law. The couple then called the Reduced-Fee Program and were referred to an attorney who obtained an order that required the landlord to immediately restore the utility service and to financially compensate the tenants for their trouble. A reasonable move-out date was then negotiated and the couple is now happily living elsewhere.”

Where feasible, the staff made referrals for clients with very limited funds for services using different fee arrangements such as 22 referrals for unbundled services and 20 deferred billing referrals. By providing different fee options, individuals are able to address their legal needs and their budget. For those that did not qualify to receive a referral through the Reduced-fee program, they were provided information about other programs or community resources that may be of assistance.

Foreclosure Relief Project

The Foreclosure Relief Project continues to be an essential legal services program in New Hampshire by increasing the availability of legal services to homeowners of limited means. Last year, Reduced- Fee staff made 203 referrals for distressed homeowners, over 21% of total Reduced-Fee referrals for 2016/2017.

Summary

For 36 years, the Reduced-Fee Referral Program has improved the gap in legal services by connecting those individuals who make too much money to qualify for legal aid but not enough

to afford standard legal fees find affordable legal assistance. The Modest Means program will continue to bring the gap by expanding who is eligible for affordable legal services in New Hampshire. IOLTA funding continues to play a significant role in the operation of the program and keep affordable legal assistance within reach for those who need it most.