

NHBA Modest Means Legal Program

IOLTA Six-Month Report (June – November 2019)

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Introduction

Established 38 years ago, the New Hampshire Bar Association's Modest Means Legal Program (formerly Reduced-Fee Referral) remains a valuable resource for lower-income people in New Hampshire who need of affordable legal services. Modest Means serves community members in the legal services gap--unable to afford standard legal fees but earning too much to qualify for free legal services. 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. New Hampshire's legal services network rely on Modest Means as a critical option for help families and individuals who would otherwise have no viable alternatives.

The Modest Means Model

It has now been almost three years since the NH Bar Association revamped and expanded the Reduced-Fee Program. In conjunction with financial eligibility changes (see below) came a new name--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 finances:

- Up to 250% of federal poverty guidelines (\$42,275 for a household of two)—an attorney fee cap of \$80 per hour
- Between 251% and 300% (up to \$50,730 for a two-person household)--a fee cap of \$100 per hour
- Between 301% and 325% (up to \$54,958 for a two-person household)--an hourly fee cap of no more than \$125 per hour

Along with making legal services accessible to lower and moderate income people, panel members are also able to grow their practices in their communities. There is no membership fee required to join the Modest Means Legal Program and attorneys are not required to remit any of the fees they earn back to the program, which is mandated with full-fee referrals. As an enticement to join Modest Means, the program now offers a break on LRS panel membership for attorneys who agree to join both the full-fee and Modest Means panels.

New Developments

Taking advantage of the LRS's banner year in 2018/19, Modest Means succeeded in gaining approval of the NHBA's Finance Committee to set aside \$10,000 for a special fund to cover interpreter costs in referred cases with non-English speaking or hard-of-hearing clients. The fund also pays for over-the-phone interpretation for staff when fielding calls from ESL applicants, making Modest Means much more accessible for lower-income newcomers.

Given the clients served by Modest means and Pro Bono frequently have similar issues, the two programs joined together to provide free training for attorneys serving on both panels. The September 2020 seminar sponsored by Pro Bono's DOVE Project addressed how to work with legal interpreters, while also examining issues around cultural competency. Modest Means received positive feedback for arranging this training opportunity to MMLP panel members.

Referral Activity

The Modest Means Program offers financially eligible referrals in two dozen areas of law—from evictions to bankruptcy and debt collection to all family law issues. Almost 300 people were linked with attorneys during the first half of the grant year. Referrals have been steady but still less than four or five years ago and especially much less than during the Great Recession. Earlier in the year, Modest Means lost an experienced staff person to a job much closer to her home, which has impacted referral numbers, but now has a new employee onboard following several months of training.

Coming as no surprise, family law stayed at the top requested subject area for assistance at well over half of all attorney referrals. The difference such help can make is illustrated by the following feedback from a Modest Means attorney:

“After meeting with Jill, I agreed to take her case through the Modest Means Program. . . She immediately started crying and thanked me for helping her. I think it was the first time that she felt hopeful about the process and life after divorce.”

Summary

Modest Means is committed as ever to its mission of offering viable options for accessing affordable legal services for the near poor. Thanks to IOLTA funding to augment other funding stream, this program remains a resource for those who would otherwise fall into the legal services gap.

New Hampshire Bar Association

Modest Means Legal Program

Referrals by Client County

Referrals made between 6/1/19 and 11/30/19

Client County	# of Referrals	% of Total Referrals
Belknap	17	5.82%
Carroll	4	1.37%
Cheshire	10	3.42%
Coos	12	4.11%
Grafton	30	10.27%
HillsNorth	36	12.33%
HillsSouth	47	16.10%
Merrimack	29	9.93%
Out of State	24	8.22%
Rockingham	55	18.84%
Strafford	23	7.88%
Sullivan	5	1.71%
	292	

(total # of Referrals)

Referrals by Case Type

Referrals made between 6/1/19 and 11/30/19

Main Problem Code	# of Referrals	% of Total Referrals
ADMINISTRATIVE	4	1.37%
BANKRUPTCY	22	7.53%
COLLECTIONS	5	1.71%
CONTRACTS	2	0.68%
CRIMINAL	26	8.90%
CIVIL LITIGATION	7	2.40%
FAMILY	194	66.44%
EMPLOYMENT	5	1.71%
LANDLORD-TENANT	12	4.11%
PROBATE	5	1.71%
REAL ESTATE	8	2.74%
TORT DEFENSE	2	0.68%
	292	

(total # of Referrals)