

Modest Means Program

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Modest Means Panelist Information

The Modest Means Program (MMP) is a reduced-fee referral panel designed to make legal services accessible to lower and moderate income people who are ineligible for legal aid. Attorneys who accept MMP referrals agree to charge no more than \$35 for an initial, in-office consultation, and a reduced rate for any additional services.

Referral & Information Services staff screens calls for general eligibility (subject matter, client income and location of dispute) and either send an application to the client or direct him/her to the MMP program information and PDF application on the bar's website. Except for 72-hour eviction cases, clients cannot qualify without submitting a written application.

Upon receipt of the client's completed application, staff reviews it and determines whether the client qualifies for the program. They remind each client of potential fees including the attorney's hourly rate, the \$35 initial consultation fee, the need for a retainer deposit, and other costs such as filing and service fees. Clients are told that Modest Means attorneys are private attorneys with regular caseloads who agree to perform services at a reduced fee for a limited number of clients.

Staff pre-qualifies MMP clients. To be eligible, applicant income must be less than or equal to at least one current eligibility tier of the MMP. Tiers are based upon set percentages of the current Federal Poverty Guidelines. Restrictions on client assets also apply. Attorneys' fee levels are set to correspond with the eligibility tiers. Attorneys' fee levels are currently set at \$60, \$80 and \$100 per hour. When a referral is made the attorney receives notification of which tier and fee level applies.

Staff sends a copy of the client's application to the attorney. Since the MMP attorney spends more time with the client, and may discover undisclosed assets during the course of the initial consultation, the attorney remains the final arbiter of whether a client qualifies for the program.

Pre-qualified clients are referred to the attorney whose practice most closely matches the subject matter of the problem and whose office is located near the client. Clients are told that the MMP attorneys do not travel, nor do they ordinarily take clients who live outside of their city/ town.

It is up to the attorney and client to decide whether to continue the attorney/client relationship beyond the initial, in-office consultation. If no attorney-client relationship is established, the attorney refers the client back to the MMP.

For further information call the Referral & Information Services staff at (503) 620-0222 or (800) 452-8260, extension 408.

Modest Means Policies and Procedures

I. Program

A. Overview

The Modest Means Program (MMP) is designed to make legal services available to lower income people who are unable to afford regular attorney fees.

B. Operation

The Referral & Information Services (RIS) Manager shall develop and revise referral procedures and shall be responsible for the operation of the program. Procedures and rules shall be consistent with the program goals and the following guidelines:

1. RIS Staff ("Staff") may not comment on the qualifications of a participating MMP Panelist Attorney ("Panelist") and may not guarantee the quality or value of legal services.
2. Staff shall not make referrals on the basis of race, sex, age, religion, sexual orientation, or national origin.
3. No more than three referrals may be made to an applicant for the same legal problem.
4. Staff may provide legal information and referrals to social service agencies for callers for whom a legal referral would not be appropriate, and may develop agency resource lists.
5. Callers complaining about possible ethical violations by Panelists shall be referred to the Oregon State Bar Client Assistance Office.

C. Client Eligibility and Attorney Fees

1. To be eligible, applicant income must be less than or equal to at least one current eligibility tier of the MMP ("Tier"). Tiers are based upon set percentages of the current Federal Poverty Guidelines, with allowable adjustments based on guidelines of the Legal Services Corporation.
2. Attorneys' fee levels ("Levels") shall be set to correspond with the Tiers, after giving due consideration to the most recent edition of the Oregon State Bar Economic Survey and common billing practices for each area of law addressed by the MMP. In consultation with the Public Service Advisory Committee, Staff shall periodically adjust the Tiers and Levels. Tier and Level adjustments may be reviewed by the Board of Governors, who shall determine whether the adjustments were reasonable. The client fee for an initial consultation shall not exceed \$35. MMP attorneys are entitled to request a reduced initial retainer deposit ("Reduced Retainer"). "Reduced Retainer" shall mean an amount that is less than the amount of an initial retainer deposit requested for non-MMP cases of similar complexity and duration.
3. Panels with separate eligibility and attorney fee guidelines may be adopted periodically on a trial basis. Please contact RIS staff for more information.

II. Panelists

A. Eligibility

Attorneys satisfying the following requirements shall be eligible for participation in the program:

The attorney must:

1. be in private practice; and
2. be an active member of the Oregon State Bar who is in good standing; and
3. maintain malpractice coverage with the Professional Liability Fund; and
4. have no Disciplinary Proceedings pending.

"Disciplinary Proceedings" shall include those authorized to be filed pursuant to Rule 2.6 of the Rules of Procedure.

Modest Means Policies and Procedures *(continued)*

Attorneys satisfying the following additional requirements shall be eligible for participation in special subject matter panels. The attorney must: a) meet standards for eligibility in the MMP; and b) meet the standards set for the specific subject matter panel.

B. Registration

1. Qualifying attorneys shall be accepted as Panelists upon submission of the signed registration form which includes an agreement to abide by MMP Policies and Procedures.
2. Applications for special subject matter panels shall be reviewed by Staff in accordance with eligibility guidelines set by the Board of Governors. Challenges to an Staff decision on eligibility shall be reviewed by the Public Service Advisory Committee (PSAC), whose decision is final.

C. Enforcement

1. Panelists against whom Disciplinary Proceedings have been approved for filing shall be immediately removed from MMP until those charges have been resolved. A disciplinary matter shall not be considered resolved until all matters relating to the Disciplinary Proceedings, including appeals, have been concluded and the matter is no longer pending in any form.
2. A Panelist whose status changes from “active member of the Oregon State Bar who is in good standing” shall be automatically removed from the MMP. A Panelist may be removed from the program or any MMP panel if the Panelist fails to continue to maintain eligibility or otherwise violates the Rules for Panelists Upon written request, the PSAC will review a decision to remove a panelist at its next regularly scheduled meeting. Such written request must be submitted to the PSAC within 30 calendar days of the date notice of the decision is given to the removed panelist. The PSAC’s decision regarding removal is final.

D. Rules For Panelists

1. Each panelist shall continuously be an active member of the Oregon State Bar who is in good standing with malpractice coverage from the Professional Liability Fund and have no pending Disciplinary Proceedings;
2. Panelists agree to charge potential clients who live in Oregon and are referred by the MMP no more than \$35 for an initial 30-minute consultation, except that no consultation fee may be charged where:
 - (a) Such charge would conflict with a statute or rule regarding attorneys’ fees in a particular type of case (e.g., workers’ compensation cases), or
 - (b) The panelist customarily offers or advertises a free consultation to the public for a particular type of case.
3. If the potential client and panelist agree to continue consulting beyond the first 30 minutes, the panelist must make clear what additional fees will apply.
4. Panelists will participate only on those panels and subpanels within the panelist’s competence and where the LRS has approved the panelist to participate on one or more special subject matter panels, as applicable;
5. Panelists will use a written fee agreement for any services provided beyond the initial consultation;
6. Panelists will communicate regularly with MMP staff, including updating online profiles and providing notice if a panelist is unable to accept referrals for a period of time due to vacation, leave of absence, heavy caseload or any other reason;
7. Panelists will keep clients reasonably informed about the status of their matters and respond promptly to reasonable requests for information. Panelists will return calls and emails promptly and will provide clients with copies of important papers and letters.
8. Panelists agree to submit any fee disputes with clients referred by MMP to the Oregon State Bar Fee Arbitration Program.

Modest Means Program Registration

Select your areas of practice by clicking the boxes and type any additional information in the spaces provided. **Please print your completed form, sign it, and fax/mail it back to us.** You may wish to print an additional copy for your records.

Criminal Law

- DUII/DWS
- Expungement
- Lesser Felony***
- Major Felony***
- Misdemeanor
- Parole/Probation
- Other _____

Family Law

- Coaching (General)
- Custody/Parenting Time
- Divorce/Separation
- Document Review
- Domestic Violence
- Grandparent/3rd Party Rights
- Juvenile/DHS issues
- Paternity
- Process Questions
- Restraining Orders
- Spousal Support
- Support/Modification

Real Property

- Foreclosure
- Landlord-Tenant (Tenant)
- Landlord-Tenant (Landlord)
- Mobile Home (Tenant)
- Mobile Home (Landlord)
- Other _____

Other Services

- Arbitration
- AIDS-related Issues
- Appeals
- Credit Cards
- Disability-related Issues
- Evening Appointments
- Federal Court Cases
- Mediation
- Native American Issues
- Office is accessible to the disabled
- Out-of-Office Appointments
- Payment Plans
- Senior Problems
- Sexual Orientation Issues
- Weekend Appointments

- Active Other State Licenses _____
- Other Languages _____
- Other Information _____

Signature and Acknowledgment

I agree to comply with all the Modest Means Program Policies and Procedures.

Signature _____ Date _____
 (Print Name) _____ Bar # _____
 Address _____
 City/State/Zip _____ Phone _____
 Fax _____ Email _____

I prefer to receive notices by: email fax

*** Additional subject matter registration and qualification forms are required for these sub-panels. The additional forms are available at www.osbar.org/forms