

**RULES OF OPERATION**

**OF THE**

**MODEST MEANS PROGRAM**

Lawyer Referral and Information Service  
of the  
San Diego County Bar Association

Adopted April 15, 1992

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## SECTION I

### PURPOSE

The purpose of the Modest Means Program:

1. To provide persons of "modest means" who do not qualify for indigent legal aid, pro bono or other no cost legal services, who cannot afford to pay market rate attorney's fees, and who may otherwise be denied access to needed legal services, with access to a qualified attorney who has indicated a special interest in a particular field of law practice and who has agreed to provide legal services at reduced fees.
2. To encourage and make available opportunities for attorneys to render public service to the citizens of San Diego County and other members of the bar.
3. To provide attorneys agreeing to accept cases on a reduced fee basis with ready access to other experienced practitioners with whom consultations may occur regarding the referred case.

## SECTION II

### ADMINISTRATION

- Rule 1. The Modest Means Program shall be operated in accordance with all the rules and procedures of the Lawyer Referral Service and managed by the Lawyer Referral and Information Service of the San Diego County Bar Association Committee.
- Rule 2. The LRIS Committee shall regularly review these rules and the operations of the Modest Means Program.
- Rule 3. The LRIS Committee shall ensure that comprehensive liability insurance covering the administration of the Modest Means Panel shall be included with the LRIS liability coverage package.
- Rule 4. The management of the Modest Means Program shall be performed under the direction of the LRIS Administrator pursuant to these rules.
- Rule 5. The LRIS Committee shall annually review financial eligibility and asset ceiling guidelines and current market rates for legal fees.
- Rule 6. Referrals shall be on a rotational basis, screening for geographical location and language, following the same procedures as the Lawyer Referral Service.
- Rule 7. Any member in good standing with the State Bar of California engaged in the active practice of the law in San Diego County may apply for membership in the Modest Means Program.

### SECTION III

#### PANEL DESCRIPTIONS

Rule 1. The Modest Means Program shall be operated through separate panels of lawyers in various substantive areas of law, and referrals under these rules shall be made to one of these panels, in accordance with the same rules and procedures of the Lawyer Referral Service. At full implementation, referrals in the following substantive areas of law are contemplated:

- a. Family Law Panel: Shall include all matters related to advice and handling of civil proceedings involving annulment or dissolution of marriage, legal separation, support enforcement and/or modification, custody, and change of name, and advice and preparation of settlement agreements, adoption, guardianship and related family transactions.

Rule 2. The LRIS Committee shall modify panels as the public's need for the same shall appear and as resources permit.

### SECTION IV

#### PANEL QUALIFICATIONS

Rule 1. The Modest Means program shall consist of Service Attorneys and Mentor Attorneys. Referrals shall be made to Service Attorneys who will provide direct legal service to the Modest Means client pursuant to a written fee agreement. Mentor Attorneys shall be made available through the Modest Means Program to assist Service Attorneys where the Service Attorney does not meet the qualifications for the relevant LRIS subject matter Panel as defined in Sections 3 through 6 of Article Three of the "Rules of operation of the Lawyer Referral and Information Service of the San Diego County Bar Association," or where the Service Attorney requests a mentor assignment.

Rule 2. Service and Mentor Attorneys must meet the general eligibility and application requirements set forth in sections V and VI, infra. Mentor attorneys must additionally meet the minimum panel qualifications for the particular substantive law panel and such other requirements as may from time to time be established by the LRIS Committee.

### SECTION V

#### GENERAL ELIGIBILITY

Rule 1. No minimum number of years of law practice shall be required for Service Attorneys. Mentor Attorneys shall be required to have practiced no less than 5 years in the substantive law area for which they have applied.

Rule 2. All panel members must be members in good standing with the State Bar of California.

- Rule 3. All panel members must maintain regular office hours at a specified office location within San Diego County.
- Rule 4. All panel members must maintain a policy of errors and omissions in an amount not less than \$100,000 for each occurrence and \$300,000 aggregate per year (*State Bar Minimum Standards, Rule 11.3*).
- Rule 5. A panel member must not have been (a) removed from any panel for a violation of these rules during the immediately preceding five (5) years; (b) under suspension or disbarment by the State Bar during the preceding five (5) years; or (c) serving a sentence or on probation for any crime involving moral turpitude during the preceding five (5) years.
- Rule 6. A panel member may not be on more than three (3) panels at any one time.

## SECTION VI

### APPLICATION REQUIREMENTS

- Rule 1. All applicants for panel membership as either a Service or Mentor Attorney shall complete the current Modest Means Panel application and certify annually that such attorney continues to be eligible for panel membership.
- Rule 2. There shall be no registration fee charged to attorney applicants, if they are members of the SDCBA. The registration fee for non-SDCBA members is \$300 annually.
- Rule 3. The application form shall require each attorney to:
- a. Certify a special interest in handling all matters included in each panel applied for;
  - b. Certify familiarity with and agree to abide by all of these rules;
  - c. Agree to keep such records and complete such periodic reports regarding cases referred through the Modest Means Program as may be reasonably requested;
  - d. Agree to personally handle all matters referred under the Modest Means Program (subject to Section XI, Rule 2);
  - e. Waive any and all claims against the LRIS Committee, the LRIS Staff, and the San Diego County Bar Association and its members for any loss or liability arising out of the operation of the Modest Means Program or the referral of clients hereunder;
  - f. Indemnify the LRIS Committee, the LRIS Staff, and the San Diego County Bar Association and its members from any and all claims, losses and liability including attorney's fees, arising from any referral made by or through the Modest Means Program; and
  - g. Submit to current qualification procedures under these rules (Section VII).
- Rule 4. The application form shall require Service Attorneys to:

- a. Agree to submit any fee dispute arising out of a Modest Means referral to arbitration by the Standing Committee on Fee Arbitration of the San Diego County Bar Association (if the client also consents);
- b. Attend an orientation workshop/substantive law seminar as offered through the Volunteer Lawyers Program, demonstrate attendance at an equivalent program, or demonstrate equivalent alternative experience;
- c. Agree to provide the first half-hour of consultation at no charge to the client, even if retained;
- d. Agree to enter into a written retainer agreement with the referred client and agree to charge no more than \$75 per hour with a retainer fee not to exceed \$1000;
- e. Possess the knowledge and skill to perform legal services for the areas of law selected;
- f. Agree to report to the LRIS Administrator if the Referred client becomes financially ineligible to participate in the program;
- g. Agree to encourage the client's participation (and where appropriate participate him or herself) in one mediation session with the other party (and that party's counsel if requested), at such time in the proceedings as counsel for the parties or the court deem is appropriate to attempt to resolve informally the issues presented between the parties (family law cases to be exempt from this requirement); and

Rule 5. To remain eligible for referrals, all panel members shall be required to provide proof of malpractice coverage in the limits specified by these Rules at the time of the application, and annually thereafter within thirty (30) days of the request for proof of coverage.

## SECTION VII

### QUALIFICATION PROCEDURES

Rule 1. Each attorney applicant's written application shall be initially reviewed by the LRIS staff to determine prima facie compliance with all general eligibility rules and the qualifications for the particular panels for which application is made.

Rule 2. No attorney applicant will be considered for qualification until his/her application shows compliance with all general eligibility rules.

Rule 3. Applications showing prima facie compliance with general eligibility requirements shall be submitted for review and to the LRIS Committee.

Rule 4. In considering substantial compliance with particular qualification requirements, the LRIS Committee may require the attorney applicant to furnish additional information, either orally or in writing, or both, relevant to his/her application for a particular panel, and may further require substantiation of any

response by an attorney applicant. The LRIS Committee may also seek independent verification of any attorney applicant's response, and shall otherwise perform the function of determining qualification of attorney applicants for the panels maintained through the Modest Means Program.

- Rule 5. Attorney applicants applying to be Mentor Attorneys must qualify for the relevant LRIS Subject Matter Panel as defined in Sections 3 through 6 of Article Three of the "Rules of Operation of the Lawyer Referral and Information Service of the San Diego County Bar Association."
- Rule 6. The LRIS staff shall make assignments of Mentor Attorneys to Service Attorneys for the particular panels applied for upon request of the Service Attorney. In the event a question is raised regarding such assignment by either the Mentor or Service Attorney, the LRIS Committee shall review the assignment and make a final determination.
- Rule 7. Attorney applicants who fail to comply or qualify must be promptly notified of that fact, and advised in writing of the particular eligibility requirements found lacking and requested to furnish additional information.
- Rule 8. Each application shall be acted upon within forty-five (45) days of receipt, unless time is extended with the attorney applicant's consent.
- Rule 9. Any attorney applicant who has been found not to qualify for a particular Panel or panels, and who has not been previously found not to so qualify within the immediately preceding six (6) months, and who has otherwise complied with these Rules and all requests made of him/her hereunder, shall have the right to appeal such findings to the Appeals Board described in Rule 10 below by written notice given within twenty (20) days of being notified of the failure to qualify. Upon receipt of such notice the LRIS Committee shall promptly furnish the Appeals Board a written statement of the reasons for the applicant's failure to qualify.
- Rule 10. The Appeals Board shall consist of three (3) members appointed by the President from the SDCBA Board of Directors, one of whom shall be the Board liaison to the LRIS Committee.
- Rule 11. The Appeals Board shall have the same authority and discretion and shall be bound by the same limitations as is herein prescribed for LRIS Committee; provided however, that no new evidence shall be received nor shall a personal appearance be allowed unless the applicant personally appeared before the LRIS Committee; and provided further, that the review by the Appeals Board shall be limited to determining whether the LRIS Committee exceeded or abused its discretion.
- Rule 12. The vote of at least two (2) members of the Appeals Board shall be required to overrule the findings of the LRIS committee, and the appeal procedure shall be completed within forty-five (45) days of the written notice of appeal unless time is extended with the attorney applicant's consent. The decision of the Appeals Board shall be final and conclusive of the matter.
- Rule 13. All communications, deliberations, results and records of the LRIS Committee's qualifications, activities and the Appeal Board's appellate activities shall be confidential.

## SECTION VIII

### RESIGNATIONS, SUSPENSIONS, REMOVAL AND HEARING PROCEDURE (revised 4/22/02)

Rule 1. Any panel member may resign at any time upon ten (10) days advance notice, and completion of reports on all unreported referrals.

Rule 2. Any panel member may be suspended or removed from the Service for failure to:

- a. Provide proof of malpractice coverage in the specified limits;
- b. Forward any final reporting form;
- c. Comply with all of these rules;
- d. Failure to maintain continuous eligibility and qualification under these rules;
- e. Failure to handle Modest Means cases with professional competence and diligence;
- f. Charging excessive fees to referred Modest Means clients;
- g. Falsification of any material statement made to qualify for any panel or made in any required report;
- h. Violation of any rule of professional conduct of the State Bar of California;
- i. Commission of a crime involving moral turpitude;
- j. Repeated discourtesy to Modest Means clients or staff.

Rule 4. A panel member's name may be removed or suspended upon written notification to the panel member of the reason for the Committee's action. Said written notification shall inform the panel member that he/she has ten (10) days within which to request a hearing before the Committee.

Rule 5. REQUEST FOR HEARING

- a. NOTICE OF DECISION . In all cases in which the Committee has given written notice of rejection, suspension, or removal to a registrant or a panel member, the registrant or panel member shall have ten (10) days following the date of the receipt of such notice within which to request a hearing before the Committee. Said request shall be by notice to the LRIS Administrator. In the event the registrant or panel member does not request a hearing within the time and in the manner herein above set forth, he/she shall be deemed to have accepted the action involved and it shall thereupon become effective immediately.
- b. TIME AND PLACE FOR HEARING . Upon receipt of a request for hearing the LRIS Administrator shall deliver such request to the Committee. The Committee shall within thirty (30) days after receipt of such request, schedule and arrange for a hearing. The Committee shall give notice to the registrant or panel member of the time, place and date of the hearing. The date of the commencement of the hearing shall be not less than forty-five (45) days, not more than sixty (60)

days from the date of receipt of the request by the LRIS Administrator for a hearing.

- c. FAILURE TO APPEAR. Failure without good cause of the person requesting the hearing to appear and proceed at such a hearing, shall be deemed to constitute voluntary acceptance of the actions involved which shall become final and effective immediately.
- d. POSTPONEMENT AND EXTENSION. Postponements and extensions of time beyond the time expressly permitted in these Rules of Operation may be requested by anyone, but shall be permitted by the Committee or its chairperson acting upon its behalf on showing of good cause.
- e. DECISION OF THE COMMITTEE. Within ten (10) days after final adjournment of the hearing, the Committee shall render a decision by majority vote. A copy of said decision shall be forwarded to the Board of Directors of the Association. The decision shall contain a concise statement of the reasons justifying it and shall inform the registrant or panel member that he/she has ten (10) days within which to appeal the decision to the Board of Directors of the association. At the same time a copy of the decision shall be delivered by registered or certified mail to the person who requested the hearing.
- f. THE APPEAL. The decision of the Committee shall be considered final, subject only to the right of appeal as provided in Section 9 (Appeal to Board of Directors of the association) of these Rules of Operation.

#### Section 6. HEARING PROCEDURE.

- a. PERSONAL PRESENCE MANDATORY. Under no circumstances shall the hearing be conducted without the personal presence of the person requesting the hearing unless he/she has waived such appearance or has failed without good cause to appear after appropriate notice.
- b. REPRESENTATION. The person requesting the hearing, the Committee or the Board of Directors of the Association may be represented in any phase of the hearing or appeals procedure by an attorney, if they so desire. If the person requesting the hearing chooses to have legal representation it shall be at his/her own expense.
- c. PRESIDING OFFICER. The presiding officer at the hearing shall be chairperson of the Committee or any other committee member so designated by him/her. The presiding officer shall act to insure that all participants in the hearing have a reasonable opportunity to be heard, to present all oral and documentary evidence, and that decorum is maintained. He/she shall be entitled to determine the order or procedure during the hearing. He/she shall have the authority and discretion, in accordance with these Rules of Operation, to make all rulings on questions, which pertain to matters of law and to the admissibility of evidence.
- d. COMMITTEE'S REPRESENTATIVE . The chairperson of the Committee shall appoint another member of the committee to act as its representative at the hearing. The committee's representative shall present the evidence and arguments against the registrant or panel member who requested the hearing. The Committee's representative shall not participate in the deliberations or decision of the Committee.

- e. RECORD OF HEARING . The Committee may maintain a record of the hearing by one of the following methods: a shorthand reporter present to make a record of the hearing, a recording, or minutes of the proceedings. The cost of such shorthand reporter shall be borne by the party requesting same. The Committee may, but shall not be required to, order that oral evidence shall be taken only an oath or affirmation administered by any person designated by such body and entitled to notarize documents in the State of California.
- f. RIGHTS OF BOTH SIDES. At a hearing, both the person requesting the hearing and the Committee shall have the following rights: to call and examine witnesses, to introduce exhibits, to cross-examine any witness on any matter relevant to the issues, to impeach any witness and to rebut any evidence. If the registrant or panel member does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination.
- g. ADMISSIBILITY OF EVIDENCE. The hearing shall not be conducted according to rules of law relating to the examination of witnesses or presentation of evidence. Any relevant evidence shall be admitted by the presiding officer, if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the admissibility of such evidence in a court of law. The person requesting the hearing and the Committee shall have the right to submit a memorandum of points and authorities.
- h. OFFICIAL NOTICE. The presiding officer shall have the discretion to take official notice of any matters either technical or scientific, relating to the issues under consideration which could have been judicially noticed by the courts of this State. Participants in the hearing shall be informed of the matters to be officially noticed and they shall be noted in the record of the hearing. The person requesting the hearing shall be informed of the matters to be officially noticed and they shall be noted in the record of the hearing. The person requesting the hearing shall have the opportunity to request that a matter be officially noticed or to refute the noticed matters by evidence or by written or oral presentation of authority. Reasonable or additional time shall be granted, if requested, to present written rebuttal of any evidence admitted on official notice.
- i. BASIS OF DECISION . The decision of the Committee shall be based on the evidence produced at the hearing. This evidence may consist of the following:
  - 1. Oral testimony of witnesses;
  - 2. Briefs, or memorandum of points and authorities presented in connection with the hearing;
  - 3. Any material contained in the Association's or the Lawyer Referral Service's files regarding the person who requested the hearing;
  - 4. Any and all applications, references, and accompanying documents;
  - 5. All officially noticed matters;

6. Any other admissible evidence.
- j. BURDEN OF PROOF. It shall be incumbent on the person who requested the hearing to initially come forward with evidence in support of his/her position. In all cases in which a hearing is conducted under these Rules of Operation, after all the evidence has been submitted, the Committee shall rule against the person who requested the hearing unless it finds that said person has proved, by clear and convincing proof, that the action of the Committee was arbitrary, unreasonable, or not sustained by the evidence.
- k. ADJOURNMENT AND CONCLUSION. The presiding officer may adjourn the hearing and reconvene the same at the convenience of the participants without special notice. Upon conclusion of the presentation of oral and written evidence, the hearing shall be closed. The Committee shall thereupon, outside of the presence of any other person conduct its deliberations and render a decision as provided by Section 7, Subsection (e) (Decision of the Committee) of these Rules of Operation.

Section 7. APPEAL TO BOARD OF DIRECTORS OF THE ASSOCIATION.

- a. TIME FOR APPEAL . Within ten (10) days after receipt of the decision of the Committee, the person who requested the hearing may request an appellate review by the Board of Directors of the Association. Said request shall be delivered to the President of the Association in writing and delivered either in person, or by certified or registered mail. If such appellate review is not requested within such period, the person who requested the hearing shall be deemed to have accepted the action involved and it shall thereupon become final and shall be effective immediately. The written request for appeal shall also include a brief statement as to the reasons for appeal.
- b. GROUNDS FOR APPEAL. The ground for appeal from the hearing shall be: (a) substantial failure of the Committee to comply with the procedures required by these Rules of Operation in the conduct of hearings and decisions upon hearings so as to deny due process and a fair hearing; (b) action taken arbitrarily, capriciously, or with prejudice.
- c. TIME, PLACE AND NOTICE. In the event of any appeal to the Board of Directors of the Association set forth in the preceding subsection, the Board of Directors shall, within thirty (30) days after receipt of such notice of appeal, schedule and arrange for an appellate review. The Board of Directors shall cause the registrant or panel member to be given notice of the time, place and date of the appellate review. The date of appellate review shall not be less than forty-five (45) days, nor more than sixth (60) days from the date of receipt of the request for appellate review. The time for appellate review may be extended by the President of the Association for good cause.
- d. NATURE OF APPELLATE REVIEW. The proceedings by the Board of Directors of the Association shall be in the nature of an appellate hearing based upon the record of the hearing before the Committee, provided that the Board of Directors of the Association may, in its discretion accept additional oral or written evidence subject to the same rights of cross-examination or confrontation provided at the Committee hearing. Both the person who requested the appeal and the Committee shall have the right to present a written

statement in support of their position on appeal, and in its sole discretion, the Board of Directors of the Association may allow each party or representative to personally appear and make oral argument. At the conclusion of oral argument, if allowed, the Board of Directors of the Association may thereupon, at a time convenient to itself, conduct deliberations outside the presence of the appellant and Committee and their representatives. The Board of Directors of the Association may affirm, modify or reverse the decision of the Committee, or, in its discretion, refer the matter for further review and recommendation.

- e. FINAL DECISION . Within twenty (20) days after the conclusion of the proceedings before the Board of Directors of the Association, the Board of Directors of the Association shall render a final decision by majority vote in writing and shall deliver copies thereof to the registrant or panel member and to the Committee in person or by certified or registered mail.
- f. FURTHER REVIEW . The final decision of the Board of Directors of the Association following the appeal procedures set forth in these Rules of Operation shall be effective immediately and shall not be subject to further review. Provided, however, if the matter is referred back to the Committee for further review and recommendation, said Committee shall promptly conduct its review and make its recommendations to the Board of Directors of the Association in accordance with the instructions given by the Board of Directors of the Association. This further review process and the report back to the Board of Directors of the Association shall in no event exceed thirty (30) days in duration except as the parties may otherwise stipulate.
- g. RIGHT TO ONE HEARING ONLY . Except as otherwise provided in these Rules of Operation, no registrant or panel member shall be entitled as a matter of right to more than one hearing before the Board of Directors of the Association on any single matter which may be the subject of an appeal without regard to whether such subject is the result of action by the Committee or the Board of Directors of the Association, or a combination of acts of such bodies.

## SECTION IX

### CLIENT ELIGIBILITY

Rule 1. For an individual to qualify for a referral to a Modest Means Service Attorney, the individual must complete a financial eligibility statement, must not have household income in excess of the maximum income levels, nor have liquid and non-liquid assets in excess of the maximum values, outlined in Appendix A to these Rules, and must agree to participate in mediation as provided in Rule 2 of this Section.

Rule 2. As a condition to participating in the Modest Means Program, each client must agree to participate (either alone or with the client's attorney as the circumstances dictate) in one mandatory mediation session with the other party (and that party's counsel if requested), at such time in the proceedings as counsel for the parties or the court deem is appropriate to attempt to resolve informally the issues presented between them. Qualified mediators

will be made available through the Modest Means Program, if requested, on a sliding fee schedule, and where appropriate, at no cost to the clients. (Family Law referrals shall be exempt from this requirement.)

Rule 3. If the client's income or assets exceed the guidelines outlined in Appendix A, the client shall be deemed ineligible for a Modest Means referral; provided, however, that Program staff shall be free to exercise discretion to make a referral under extraordinary or special circumstances not contemplated by the guidelines.

Rule 4. In the periodic establishment, of income maximums and asset ceilings, the LRIS Committee shall consider the following factors:

- a. The rate of unemployment has a direct effect on the number of persons driven into poverty, and the inability of that and other significant segments of society to afford "full fee" legal services.
- b. While the high cost of living affects the entire population, the poor pay a disproportionately higher price for goods and services than people of greater means.
- c. The lack of generally available mass transportation in San Diego County requires access to an automobile to secure employment and other basic needs.
- d. Special flexibility in applying asset ceilings should be used when the applicant is disabled, institutionalized, elderly, handicapped or otherwise disadvantaged.
- e. Both income and available liquid and non-liquid assets of all persons who are resident members of the applicant's family unit should be considered in determining eligibility.

Rule 5. LRIS staff shall require the client to provide satisfactory documentation to verify income/assets.

## SECTION X

### REFERRAL PROCEDURES (OFFICE)

Rule 1. Any person requesting a Modest Means referral must meet the Client Eligibility guidelines contained in Section IX, supra.

Rule 2. Clients will be screened initially by telephone, to determine eligibility under the income and asset guidelines.

Rule 3. Following completion of client eligibility forms and a determination that the client is eligible to be referred to a Modest Means Service Attorney, the LRIS staff shall inquire as to the nature of the client's legal problem and select the appropriate Modest Means panel from which a referral shall be made.

Rule 4. The LRIS staff shall give the client the name and address of the next Service Attorney due a referral based on any geographic or language needs.

Rule 5. The LRIS staff and the LRIS Committee reserves the right to refuse anyone a referral.

## SECTION XI

### HANDLING REFERRALS (ATTORNEYS)

- Rule 1. All Modest Means clients shall be referred to individual Service Attorneys (rather than the attorney's office) on a rotation basis within each panel.
- Rule 2. Each Service Attorney to whom a Modest Means client is referred is solely responsible for serving such client, and he will personally conduct the initial interview, but he may render further service to the client through another qualified Service Attorney in his office pursuant to normal office procedures.
- Rule 3. Any attorney who makes application for any panel thereby represents that he supports the purposes of the Modest Means Panel and is not applying merely to obtain the referral of cases to his office. Fee agreements must reflect both the purposes of the Modest Means Program and the client's ability to defer the cost of legal representation, with particular emphasis on reducing the initial retainer and permitting monthly payments where the circumstances require.
- Rule 4. In the event the Service Attorney is assigned a Mentor Attorney, the Service Attorney should consult regularly with the Mentor Attorney and shall notify the LRIS Committee if the Service Attorney is unable to obtain adequate support from the Mentor Attorney so that another Mentor Attorney can be assigned.
- Rule 5. Subject to the Service Attorney's ethical obligations to the client and the court, the Service Attorney may refer the client back to LRIS staff if he/she decides not to handle the client's matter or a conflict of interest arises. If the client no longer meets the financial eligibility requirements of the Modest Means Program, and if the retainer agreement with the client permits, the Service Attorney shall be permitted to renegotiate the fee agreement or refer the client back to staff for referral through the regular LRIS referral system.
- Rule 6. It shall be the obligation of each Service Attorney to whom a Modest Means client is referred to determine at the outset whether a conflict of interest exists, and, if so, to immediately report such a determination back to the LRIS staff and thereupon facilitate the referral of the client to the next available Service Attorney.
- Rule 7. If at any time during the representation of a Modest Means client the Service Attorney determines that (s)he does not have the particular qualifications or expertise required by the circumstances of the client's case, (s)he shall be obligated to obtain a Mentor Attorney assignment if one has not already been made, or to refer the client back to the LRIS staff for another referral.

## SECTION XII

### ATTORNEY'S FEES

- Rule 1. Service Attorneys shall charge Modest Means clients reasonable attorney's fees (including fees for support staff) as dictated by the client's financial and other circumstances and at rates

substantially less than the Service Attorney's customary rate, which is not to exceed \$75 per hour and the retainer fee is not to exceed \$1000.

- Rule 2. The Service Attorney and the client shall agree in advance upon the fee arrangement and shall reduce that agreement to writing.
- Rule 3. No Service Attorney shall be obligated to render service beyond the initial consultation in the event he is unable to reach a reasonably satisfactory fee arrangement with the client for further services, or determines the client's matter does not have merit, or if the attorney deems him/herself to have a conflict of interest.
- Rule 4. Mentor attorneys may provide consultation services either as a public service or as agreed upon between the Service Attorney and the Mentor Attorney. In no event shall a compensation agreement between the Service Attorney and the Mentor Attorney for the Mentor's services increase the cost of the legal services provided by the Service Attorney without prior full disclosure to and written consent of the client.
- Rule 5. No referral fee shall be payable to the LRIS by a panel attorney for services rendered in the Modest Means Program.

### **SECTION XIII**

#### **MODEST MEANS PANEL CHARGES**

- Rule 1. Each Service Attorney to whom a Modest Means client is referred shall consult with such client for up to one-half hour free of charge, even if the client retains the Service Attorney.

### **SECTION XIV**

#### **PROMOTION**

- Rule 1. The LRIS Committee shall maintain an adequate publicity program to inform the public, particularly in the geographical area served, of the availability of a qualified lawyer to a person of modest means who meets the client eligibility criteria.
- Rule 2. The LRIS Committee, shall also conduct a general public information program on legal subjects appropriate to the needs of the average lay person.
- Rule 3. The LRIS Committee shall supervise and review all public relations programs; in the event staff initiates any public relations programs, they shall keep the LRIS Committee advised at all times.
- Rule 4. The LRIS Committee may use any and all advertising media available to publicize the Modest Means Program, with emphasis being placed on media designed to reach those persons who probably do not have or know an attorney, or are likely to fail to recognize a problem as a legal one.
- Rule 5. All publicity must be in good taste and in conformity with generally accepted standards established for Lawyer Referral programs.

Rule 6. The LRIS Committee shall not permit the promotion of the Modest Means Program to include the laudation of panel members or the comparison of the Panel with any other Lawyers Referral program, nor shall the LRIS Committee permit any representation to be made to the effect that the Panel is staffed by specialists, or that the panel members have special expertise in matters related to their panels.

## SECTION XV

### FORMS AND RECORDS

Rule 1. The LRIS Committee shall adopt and maintain the necessary forms to operate the Service, including, but not limited to, the following:

- Client Eligibility Income Guidelines/Asset Ceilings (Appendix A)
- Attorney Application/Attorney-Client fee Contract
- Client Referral Form
- Client Financial Eligibility form
- Insurance Expiration Report
- Client Survey Report
- Proof of Liability Insurance Form

Rule 2. All LRIS Committee records and reports, other than Qualifications Board's and Appeals Board's records, shall be open to inspection by panel members and SDCBA members, but shall otherwise be confidential.

Rule 3. The LRIS Committee shall maintain its records and reports to be able to furnish informative statistical data to and complete appropriate report forms for the San Diego County Bar Association, The State Bar of California, the American Bar Association, and other legal organizations having an interest therein.

## **APPENDIX A**

(Revised 2007)

### **INCOME GUIDELINES**

No. In Household	Total Monthly Income
1	\$ 2,300
2	\$ 3,100
3	\$ 3,900
4	\$ 4,700
5	\$ 5,500
6	\$ 6,200
7	\$ 7,000
8	\$ 7,800

### **LIQUID ASSET LEVELS**

No. In Household	Ceiling
1	\$ 3,500
2	\$ 4,400
3	\$ 5,300
4	\$ 6,200
5	\$ 7,100
6	\$ 8,000 (MAX.)

### **NON-LIQUID ASSET LEVELS**

Ceiling per household: \$ 15,000\*

\*First \$15,000 equity in home is excluded.  
IRA's and 401k's are excluded.