

# Washington State Bar Association Moderate Means Program

*Lawyers Helping the People of Washington*

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A PARTNERSHIP WITH THE LAW SCHOOLS OF  
Gonzaga University, Seattle University, and the University of Washington



# Moderate Means Program Information for Participating Lawyers



SEATTLE  
UNIVERSITY  
SCHOOL OF LAW



**W** SCHOOL OF LAW  
UNIVERSITY of WASHINGTON

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July 2016



# WSBA

## Moderate Means Program

July 2016

On behalf of the Washington State Bar Association, thank you for signing up to be a part of the Moderate Means Program! The WSBA, in partnership with the three Washington law schools, is excited to help provide this innovative solution to an important gap in accessing the legal system.

Many Washington families can't get the legal help they need. They either don't have enough income to afford a full fee attorney or have too much income to access free legal services. By reducing your fees, you are helping address this gap and bring justice to those who are caught in the middle.

Our goal in creating the Moderate Means Program was to address this justice gap, while supporting members to deliver high quality, affordable legal services. We aspire to make your public service easier and more rewarding by raising awareness, providing training, and creating a network of WSBA members engaging in this type of service.

We hope this program manual is helpful as you participate with the program.

Once again, thank you for your commitment, contributions and time devoted to improving our justice system.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula C. Littlewood".

Paula C. Littlewood  
Executive Director

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# Introduction to the WSBA Moderate Means Program

The WSBA Moderate Means Program (MMP) is a state-wide, reduced-fee lawyer referral service which connects Washington State's moderate-income households with lawyers who offer reduced-fee legal assistance for housing, consumer and family law issues.

## **MMP History**

In 2000, the Washington Young Lawyers Division, with the support of the Access to Justice Board, initiated a pilot project in Spokane County to improve access to legal help for those who have a moderate income. A volunteer-driven effort, the Greater Access and Assistance Project (GAAP) coordinated referrals to lawyers in Spokane who agreed to accept reduced-fee cases. The WSBA Board of Governors expressed its strong support and made a high priority of establishing a statewide Moderate Means Program at WSBA in 2010.

In order to create a statewide system, the WSBA partnered with the three state law schools to create the Moderate Means Program in 2010. The MMP is unique in that it uses students to screen and interview potential clients. The Program went live in the spring of 2011 starting at the Seattle University School of Law, and students from the Gonzaga University and the University of Washington law schools began interviewing and referring clients shortly thereafter. Since its inception the program has grown from 122 referrals to attorneys in its first year to 729 referrals in the fifth year.

## **Benefits for Participating Lawyers:**

- Provide public service and help close the access to justice gap for moderate income households
- Obtain free referrals to help build your client base
- Learn new skills and expand your practice areas by accessing free trainings
- Access mentoring and peer support opportunities

# Part I – Procedures and Guidelines

## Eligibility Requirements for MMP Lawyers

In order to be eligible to participate in the WSBA Moderate Means Program, you must be an active WSBA member in good standing, (a discipline screening will be conducted), and certify that you carry your own malpractice insurance.

## Malpractice Insurance

The MMP does not require any particular policy amount or limit for their malpractice insurance, however, you must carry insurance. You are solely liable for your actions. Neither the WSBA nor the law schools are responsible for the services you provide. The MMP does not provide insurance for participating lawyers. If you have any questions regarding obtaining malpractice insurance, please contact the WSBA Law Office Management Assistance Program at [lomap@wsba.org](mailto:lomap@wsba.org).

## Time Commitment

While the MMP does not require you to maintain a minimum time or caseload commitment, we encourage you to accept at least one case and/or serve as a mentor to another MMP lawyer at least one time per year. We also expect you to return calls and emails from the law students in a timely manner, whether or not you can accept the case.

## Scope of Legal Assistance

The MMP refers cases for housing, consumer and family law issues only. Specific legal issues include:

**Family Law** — Separation or divorce, child custody or visitation, child support, personal safety due to family member, establish the biological father of a child, adoption and juvenile dependency matters

**Consumer Law** — Debt or debt collectors, problems with a payday lender, legal issue involving the purchase, financing or repair of a vehicle, legal issue regarding utilities (water, electricity, garbage), victim of unfair or deceptive sales practice, victim of identity theft and Bankruptcy Chapters 7 and 13

**Housing Law** — Trouble with rental housing or a landlord, eviction, unfair denial of housing and repair issues

You may provide reduced-fee assistance through unbundled legal services (such as drafting a letter, calling opposing counsel, etc.), or full representation. You and the prospective client need to discuss and determine the most appropriate and affordable level of representation for each case.

## Client Eligibility & Fees

To qualify for a referral through the MMP, a prospective client’s household income must fall between 200% and 400% of the Federal Poverty Level (FPL). The FPL chart below includes the minimum and maximum gross household incomes for 2016. Law students who conduct client intakes gather each client’s income information and provide you with a potential client’s gross annual household income.

### 2016 Federal Poverty Guidelines\*

Is my household income between 200% and 400% of the federal poverty level?

People in household	200% FPL	400% FPL
1	\$23,540	\$47,080
2	\$31,860	\$63,720
3	\$40,180	\$80,360
4	\$48,500	\$97,000
5	\$56,820	\$113,640
6	\$65,140	\$130,280
For each additional person add:	\$8,120	\$16,240

\*See more at: <http://familiesusa.org/product/federal-poverty-guidelines>

## Fees for Client Service

Once you accept a referral for a MMP case, it is the potential client’s responsibility to contact you to coordinate a consultation, ongoing services, and to negotiate a fee. **Please discuss all fees with the potential client when you first meet, including any consultation fee.** You are encouraged to produce all agreements in writing to ensure that both parties understand the scope of representation and fees. Below is a *sample* of a sliding fee scale model that can be utilized for any consultation, advance fee deposits, and services rendered.

Client income 200-250% FPL: reduce fee by 75%

Client income 250-350% FPL: reduce fee by 50%

Client income 350-400% FPL: reduce fee by 25%

## Examples

Using the *sample* sliding fee scale, below are some examples of what the fee reduction could be depending on client’s household size, client’s gross annual income and your hourly fee.

Household Size	Income Per Year	Your Fee Per Hour	Reduction in Fee	Low Bono Fee
1	25,000	150	75%	\$37.50
2	35,190	250	75%	\$62.50
1	32,000	250	50%	\$125.00
2	48,000	150	50%	\$75.00
1	45,050	150	25%	\$112.50
2	62,050	250	25%	\$62.50

## Part II - Referral Process

### **Application**

Prospective client submits an application via [www.moderatemeanswa.org](http://www.moderatemeanswa.org)



### **Screening & Intake**

MMP students screen applicants and conduct intake interviews with eligible clients.  
MMP staff lawyers review case summaries for accuracy and thoroughness.



### **Referral**

1. Law students contact MMP lawyers with names of parties for conflict check.
2. With lawyer's permission and confirmation of no conflict, the law student provides the MMP lawyer with client income information, contact information, and case detail.
3. Once the MMP lawyer accepts MMP case referral, the law student directs the client to contact MMP lawyer to schedule initial meeting.



### **Follow-up**

Approximately two weeks after case referral, the law student sends a follow up email to the MMP lawyer to determine whether the client and lawyer are working together.

# Part III – Attorney Resources

## WSBA Tools for Your Practice

The WSBA sponsors several member benefits to help you build an efficient and effective practice. You can learn more about any of these resources at [wsba.org](http://wsba.org).

- [Resources for You & Your Practice](#)
- [Career Center – Find a Job](#)
- [Licensing & Lawyer Conduct](#)
- [Insurance Resources](#)
- [WSBA Lawyers Assistance Program](#)
- [WSBA Law Office Management Assistance Program](#)
- [WSBA Connects](#)
- [WSBA Ethics Line](#)
- [Washington Daily Decision Service](#)
- [Washington Advisory Opinions](#)
- [WordRake](#)
- [Casemaker and Legal Research](#)
- [Lawyers Assistance Program](#)
- ALPS is the WSBA endorsed malpractice insurance carrier. 1-800-367-2577 or [learnmore@alpsnet.com](mailto:learnmore@alpsnet.com)

## Practice Transitions

Whether you're just starting out, making a change, or winding down after a long career, the WSBA has [resources](#) to help you through your career, including:

- Buying a Legal Practice - Learn more or search practices for sale.
- Ending Your Practice - Resources and tools for retirement, selling your practice, and more.
- Sell or Transition Your Legal Practice - Learn more or list your practice for sale.

## Sections

Sections are a great way for lawyers to connect with peers and to thrive in their practice. The WSBA provides support for 28 sections. Five sections in particular intersect with the Program:

- [Low Bono Section](#) – A community for lawyers, law students, and other professionals who are committed to providing, promoting, and learning about low bono services.
- [Family Law Section](#) – Devoted to improving the profession and practice of family law, to the benefit of its members and other family law professionals, the judiciary, and the general public.
- [Creditor Debtor Rights Section](#) – Offers its members numerous opportunities to stay current on relevant legal issues, comment on legislation, and participate in pro bono activities.
- [Solo and Small Practice Section](#) - Helps solo and small practice lawyers to ethically conduct a profitable, satisfying business by acting as a clearinghouse for qualified law practice management and technology information.

- [Real Property, Probate & Trust Section](#) - Assists section members in achieving the highest standards of competence, professionalism and ethics. The RPPT Section is also involved in legislation and supporting WSBA.

Learn more by going to the [Sections](#) page or email [sections@wsba.org](mailto:sections@wsba.org).

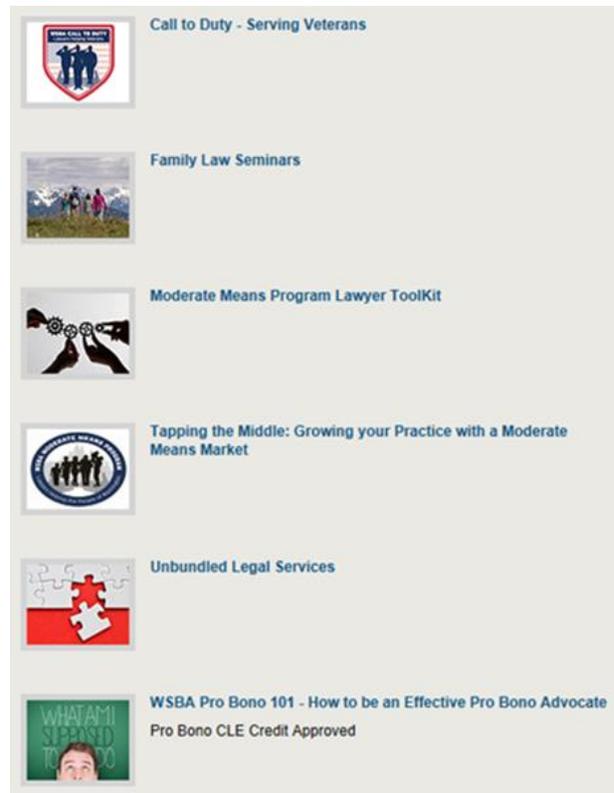
## MMP Lawyer List Serve

After you sign up with MMP, you will be added to the list serve. The WSBA uses this list serve to communicate with MMP participating lawyers about WSBA-related service and training opportunities. We encourage you to seek resources and to ask questions to peers through the list serve.

## WSBA Public Service Seminars & Trainings

As part of our strategic goal to enhance a culture of service within WSBA membership, we are pleased to offer free CLE courses to support members who provide pro bono assistance through a qualified legal service provider or participate in WSBA's public service programs such as the Moderate Means Program. Once you apply you will be authenticated to access free Public Service Education seminars.

To gain access to Public Service Education CLEs, go to [www.wsba.org](http://www.wsba.org) click on the Recorded Seminars tab at the top of the page and then on Public Service Education (found in the menu on the left side of the page). Add items to your cart and complete the checkout process (discounts will be displayed at checkout). Your trainings will be immediately accessible in your My CLE account (accessed via the tab at the far right across the top of the [www.wsba.org](http://www.wsba.org) homepage.)



- Call to Duty - Serving Veterans
- Family Law Seminars
- Moderate Means Program Lawyer ToolKit
- Tapping the Middle: Growing your Practice with a Moderate Means Market
- Unbundled Legal Services
- WSBA Pro Bono 101 - How to be an Effective Pro Bono Advocate  
Pro Bono CLE Credit Approved

## Part IV – Ineligible Client Resources

If clients aren't eligible for the WSBA MMP, please share these resources:

### **Free Legal Services**

The Northwest Justice Project provides free legal services on civil legal matters to those living in households under 200% of the Federal Poverty Level.

Apply online at [CLEAR\\*Online](#)

or

Clients living outside of King County: Call 1-888-201-1014, NJP's CLEAR Hotline, Monday-Friday 9:15 am to 12:15 pm.

Clients living in King County: Call 211 or 1-800-621-4636 Monday - Friday 8:00 a.m. - 6:00 p.m.

### **General Resources**

County Bar Associations: To find an attorney in the client's area, find out which counties have a Lawyer Referral Service Program. [County Bar Associations](#)

Self-help legal information: Visit Washington Law Help to learn about common legal issues. [Washington Law Help](#)

Seattle University Incubator Program: Private attorneys take a broad range of cases for reduced fees. [Seattle University Incubator Program](#)

Washington State Bar Association Lawyer Directory: The Lawyer Directory search is set to help you find a licensed attorney in Washington State. You can narrow your search by county, area of practice and even languages. [Lawyer Directory](#)

Unemployment Law Project: Provides legal assistance and information to people in Washington State who have been denied unemployment benefits or whose award of benefits is challenged. [unemploymentlawproject.org](http://unemploymentlawproject.org)

National Immigration Legal Service Directory: Resources for nonprofit advocates, organizers and service providers. [www.immigrationadvocates.org](http://www.immigrationadvocates.org)

American Civil Liberties Union of Washington (ACLU): [www.aclu-wa.org](http://www.aclu-wa.org)

National Organization of Social Security Claimant's Representatives (NOSSCR) [www.NOSSCR.org](http://www.NOSSCR.org) Phone: 1-800-431-2804

Office of Public Defense: State-wide directory of public defender offices [www.opd.wa.gov](http://www.opd.wa.gov)

## Part V - FAQ

### **What happens if I can no longer represent a client?**

You are free to terminate the lawyer-client relationship at any time, consistent with the applicable Rules of Professional Conduct. You and/or the client may re-connect with the MMP to request a re-referral at any time. The law school will work to re-refer the case out. Please hand the client any and all files pertaining to their case.

### **How do I contact the Law Schools?**

Gonzaga University School of Law School: 1-800-578-2561 or [gonzagaMMP@gmail.com](mailto:gonzagaMMP@gmail.com)  
Seattle University School of Law & University of Washington School of Law: 206-398-4356 or [moderatemeanswa@gmail.com](mailto:moderatemeanswa@gmail.com)

### **How do I update my information?**

To help facilitate effective and efficient referrals, please update your contact information, the types of cases and where you will accept them in your <https://www.mywsba.org/> account.

### **How do I get removed from the participating attorneys list?**

You may update your status through <https://www.mywsba.org/> or email [publicservice@wsba.org](mailto:publicservice@wsba.org)

### **How does a prospective client find out more?**

Prospective clients may apply for the MMP assistance through an [online application](#) ([www.moderatemeanswa.org](http://www.moderatemeanswa.org)). Because MMP is a referral service, we are not in a position to provide immediate legal help. The MMP cannot guarantee that a referral will be available, nor can the MMP guarantee a referral within any particular time frame. Please visit [www.moderatemeanswa.org](http://www.moderatemeanswa.org) for additional information.

### **Is there an MMP List Serve?**

Lawyers who have signed up with MMP will automatically receive a confirmation *Welcome* email and will be added to a MMP list serve: [moderatemeans@list.wsba.org](mailto:moderatemeans@list.wsba.org). The WSBA uses this list serve to communicate with MMP participating attorneys about MMP and other WSBA-related service and training opportunities. Members are encouraged to seek resources, advice and ask questions to peers in this list serve.

### **Case Closure Survey and Letters**

Every year the WSBA will send out a survey to attorneys who have taken a case. The information collected helps shape, change and provide the Program with feedback regarding their experiences. You are always encouraged to share your experience with the program. Please email us at [publicservice@wsba.org](mailto:publicservice@wsba.org).

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