

Sept. 16, 2008

PRESIDENT'S MESSAGE:

### **MODEST MEANS PROGRAM**

In 2004 the Pennsylvania Bar Association established a task force to explore and develop recommendations regarding the delivery of legal services for people who do not qualify for subsidized legal services but lack the income to afford traditional legal services. The task force reviewed modest means programs in Philadelphia County, Dauphin County and Montgomery County and also did a survey of the American Bar Association and noted that there were 33 such programs nationwide.

The task force concluded that there was an overwhelming need for access to the legal system for low to moderate income residents whose income exceeded the local legal aid income guidelines and whose resources were clearly insufficient to pay prevailing legal rates. The goal is to suggest a model program that each individual county could implement by providing a panel of competent attorneys who would provide legal services in non-fee generating cases at reduced pre-established fees.

In order to be eligible there would be a cutoff of approximately 200% of the Federal Poverty Guideline and there would also be financial disclosure including bank accounts, investment accounts, CDs, real estate ownership, etc.

It is to be noted that the proposed Modest Means Program is purely voluntary and each individual attorney who participates in the program is not required to represent the individual assigned to him/her if he or she is not comfortable or does not want to take the case.

Lebanon County Legal Aid has estimated that approximately 40 cases per month are turned away that fall into the income level of approximately \$13,000.00 to \$23,000.00 annually which is approximately 200% of the Federal Poverty Guideline. Many of these people need an attorney, especially in the Divorce, Custody and Support areas, but simply can't afford one.

A push is on throughout the Commonwealth of Pennsylvania for each county to establish a Modest Means Program on a voluntary basis. The following is a draft list of services to be provided for a flat rate fee in Lebanon County. The list is for discussion purposes and your comments are welcome.

1. Simple Wills - \$50.00 individual, \$75.00 husband and wife, (\$50,000 or less in assets);
2. Powers of Attorney - \$50.00;
3. Deed transfers - \$75.00 plus recording costs;
4. Unemployment Compensation Hearings before Referee - \$250.00;
5. Support Conference – \$75.00;
6. Support Hearings - \$250.00;
7. Custody Conference - \$200.00;
8. Custody Hearings - \$750.00 plus costs;
9. No-fault Divorce/no contest/no assets - \$100.00 plus costs;
10. Landlord & Tenant – including the District Magistrate Hearing - \$250.00;
11. Appeals from District Magistrate in Landlord/Tenant cases - \$750.00 plus costs;
12. Chapter 7 Bankruptcy - \$750.00 plus costs.

We also need to meet with the Judges and County Commissioners to discuss a fair way to reduce the cost of filing and litigation expenses, especially in domestic cases where a litigant must pay for a Conciliator and Special Master. Many people fall through the cracks due to an inability to afford legal representation. A Modest Means Program will help this situation and also give participating attorneys the experience and feeling of helping those in need, while at the same time, getting paid for their efforts.

I will place this matter on the Agenda for the Annual Meeting. Be prepared to discuss the pros and cons of this idea.

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President  
Lebanon County Bar Association