

Washington State Bar Association Moderate Means Program

Lawyers Helping the People of Washington

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



Policies & Procedures For Participating Legal Professionals



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Introduction to the WSBA Moderate Means Program

The WSBA Moderate Means Program (MMP) is a statewide, reduced-fee lawyer referral service, which connects Washington State’s moderate-income households with legal professionals who have agreed to offer reduced-fee legal assistance for housing, consumer, and family law issues.

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 help provide greater access to justice for people of moderate means. A volunteer-driven effort, the Greater Access and Assistance Project (GAAP) began coordinating referrals to a panel of lawyers in Spokane who agreed to accept reduced-fee cases. The WSBA Board of Governors signaled its strong support and high priority of establishing a statewide program within the WSBA in 2010.

In 2019, MMP added Limited License Legal Technicians (LLTs) to provide legal assistance in the family law practice panel—increasing low-cost options for moderate mean households. The Washington Supreme Court decided to sunset this program in 2020. However, any LLTs who completed the program by July 31, 2022 are eligible for licensure.

Program Structure

The MMP is a partnership between the WSBA, its members, and the three law schools in Washington State. Under the supervision of staff attorneys, law students at Gonzaga University School of Law, Seattle University School of Law, and the University of Washington School of Law conduct intakes and refer clients to participating legal professionals around the state. Legal professionals who participate with MMP have access to mentors and free or low-cost training opportunities. Both attorneys and LLTs who participate in the Moderate Means Program are solely liable for their actions. Neither the WSBA nor the law schools are responsible for the services provided by participating legal professionals.

Benefits for Participants

- ◆ Provide public service and help close the access to justice gap for moderate income families
- ◆ Meet pro bono publico service goals set forth by RPC 6.1 and LLLT RPC 6.1
- ◆ Legal professionals that exceed 50 hours will receive a commendation for their service from WSBA
- ◆ Obtain free referrals
- ◆ Receive free case work-ups from law students giving you a head start on your case
- ◆ Access free CLEs Access mentoring opportunities

Policies and Procedures

Participant Eligibility

In order to be eligible to participate in the WSBA Moderate Means Program, a lawyer or limited license legal technician (LLLT) must be an active WSBA member in good standing and licensed to practice law in the state of Washington. Participants must carry their own malpractice insurance. For more information about malpractice insurance, see page 11 of this manual.

Scope of Legal Assistance

MMP refers cases for housing, consumer, and family law issues only. Lawyers may provide reduced-fee assistance through advice and counsel, unbundled and brief services (e.g. drafting a letter, calling opposing counsel, etc.) or full representation for any case referred by MMP.

LLLTs may provide reduced-fee or flat fee assistance through counsel and advice, unbundled and brief services for a case referred through MMP, limited to family law, as set forth by APR 28.

When there is no MMP legal professional available to accept a case referral, clients may be provided with other resources, including self-help alternatives.

Benefits

Participating legal professionals can enjoy a number of benefits.

- ❖ **Free Referrals:** Legal professionals who sign up to provide reduced-rate services through Moderate Means Program are added to a referral network with a large volume of clients. The amount and frequency of referrals you will be sent depends on the volume of client applications, the counties of need, the types of cases we receive, and the amount of participating legal professionals in that county. To maximize your chances of getting a referral, we recommend signing up in rural counties in Washington where the needs are quite high. In addition, legal professionals who speak languages other than English are frequently requested.
- ❖ **Access Free CLE Programs:** Moderate Means Program participants can access free CLE trainings in the WSBA CLE Public Service Education portfolio. To access this portfolio of CLE programs, email publicservice@wsba.org with your name, bar number, and a confirmation of your participation in the program.
- ❖ **Pro Bono Publico Hours:** Significantly reduced rate legal service hours provided to moderate income clients through the Moderate Means Program can count towards pro bono publico hours. Any lawyer who non-anonymously reports performing at least 50 hours of pro bono publico in a calendar year will receive recognition from the WSBA and the Washington State Supreme Court
- ❖ **Case Assistance:** Moderate Means Program participants can request mentors to assist with MMP cases in the areas of housing, family, and consumer law, or if accepting a case in a county you may not regularly practice in.

Commitment

Participants are required to accept at least 1 referral a year and/or serve as a mentor to a lesser experienced MMP legal professional. Participants may be removed from the program if they are unresponsive to referrals or who do not accept 1 of the referrals offered to them over the course of a year.

Registration

To sign up for MMP, attorneys and LLLTs should log into their My WSBA account using their WSBA number and password. The MMP registration form will be accessible on their MyWSBA page. Participants will be asked to provide: contact information, practice area(s) (note: limited to family law for LLLTs), desired level of involvement, counties of practice¹, and additional information that will be useful in matching lawyers with potential clients. This information is entered into a database and case management system. The law students and MMP staff attorneys use this information to match clients based upon their legal needs with legal professionals' information. The number of cases referred depends on the practice area, number of cases, and geographic region(s) served.

Experienced Lawyers and LLLTs may also sign up to be mentors. You can indicate this when you sign up for the program or you can update your [profile](#) at any time.

Updating your Information

It is important to keep your information up to date and make changes to your address, phone, email, substantive legal areas, level of legal assistance, number of cases, or geographic range as needed.

1. Contact Information – To update your contact information please log into your myWSBA.org account using your bar number. You can access tools and information to manage your WSBA membership (including mail and email use preferences) at [myWSBA](#).
2. ***Please do not ask MMP students to update your information or remove you from the program. Do this through your myWSBA profile.***

¹ Please note that attorneys who are willing to take cases in more than one county will likely receive more referrals, depending on the county.

Referral Process

APPLICATION

Prospective client submits an online application or calls into the phone line.



SCREENING & INTAKE

MMP students screen applicants and conduct intake interviews with eligible clients.



REFERRAL

MMP students connects potential client with MMP attorney or LLLT.



FOLLOW-UP

MMP students follow up with MMP legal professional.

Prospective Client Signup

Clients may apply for MMP assistance through an [online application](#) or by calling 1-855-741-6930. Because MMP is a referral service, the Program cannot and does not provide immediate client assistance. The MMP does not employ lawyers to directly represent the public. MMP can neither guarantee that a referral will be available, nor can MMP guarantee a referral within any particular time frame.

Screening and Intake

Law students with the Moderate Means Program screen applicants and conduct intake interviews with eligible clients. Students draft a case summary that is reviewed by the staff attorneys before it is sent to the lawyer or LLT.

Referrals to Legal Professionals

Conflict of Interest Check

The law schools will gather the client's information, and provide the legal professional with the names of the client and adverse party to determine whether the potential client and MMP lawyer have a conflict of interest. However, all MMP participating legal professionals are responsible for conducting their own conflict of interest checks.

When a MMP case is ready for referral, a law student will contact the MMP legal professional with client and case information. If you are contacted by an MMP student about a case, respond as soon as possible even if you are not interested in the case. Once the legal professional accepts a referral for a Moderate Means Program case, the law student will direct the client to contact the MMP legal professional.

It is the potential client's responsibility to contact you to coordinate a consultation, ongoing services, and to negotiate a fee. Please respond to the clients as soon as possible.

Fee Schedule

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. For more information, please refer to page 7.

WSBA Recommended Fee Schedule:

Attorneys

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%

Limited License Legal Technicians

Client income 200-250% FPL = reduce fee by 50%
Client income 250-400% FPL = reduce fee by 25%

Follow-up

Approximately two weeks after a case referral, the law student will send a follow up email to determine whether the client and legal professional are working together.

What happens if I no longer can represent a client?

MMP legal professionals are free to terminate the attorney-client relationship or client-LLLT relationship at any time, consistent with the applicable Rules of Professional Conduct and Limited License Legal Technician Rules of Professional Conduct. If the legal professional believes the client requires additional legal assistance, the legal professionals may contact the MMP staff or student who referred the case. If the LLLT believes the client's case is beyond the scope of their legal services, the LLLT should contact the MMP staff or student who referred the case.

What if I decide not to represent the client?

If after your first initial meeting with a client you decide not to take the case, please inform the law school and encourage the client to contact the law school for an alternate referral.

Contact information for the MMP staff and students at each of the law schools:

1. Gonzaga University School of Law School: 1-800-578-2561 or moderatemeans@gonzaga.edu
2. Seattle University School of Law: 206-398-4356 or sumoderatemeans@seattleu.edu
3. University of Washington School of Law: moderatemeans@uw.edu

Client Re-referral

If a referral does not work out, the client may contact the program to request a re-referral. Re-referrals are made on a case-by-case basis and are subject to MMP attorney availability. MMP cannot guarantee that a case will be re-referred.

The Moderate Means Program reserves the right to determine which attorneys are offered cases.

Please be aware that failure to communicate with MMP interns about cases or accept cases may affect the number of cases a legal professional is offered in the future.

MMP Mentor Assignment Process

The Moderate Means Program can connect attorneys or LLLTs who accept cases through the program to a mentor. Please note that attorneys can only mentor other attorneys and LLLTs can only mentor other LLLTs.

The following is the process by which MMP will link mentors with mentees:

1. Once a participant accepts a case referred by the MMP and receives the case referral information, the attorney should contact the law student or MMP staff attorney that sent the referral.
2. The student or MMP staff attorney will consult the appropriate mentor spreadsheet to identify prospective mentors. Priority is given to prospective mentors according to county of practice and experience with any relevant specialty practice areas.
3. The student or MMP staff attorney will contact attorneys from the prospective mentor list until one of the list members agrees to provide mentorship for the case.
4. Once a legal professional has agreed to mentor, the student or MMP staff attorney will notify the mentee that a mentor has been identified and will connect the two by email.

Program Feedback

The WSBA will periodically send out a survey to legal professionals who have signed up to participate in MMP to improve the program. You are always encouraged to share your experience with the program regardless of a survey. To share your feedback, please email us at publicservice@wsba.org.

Fees, Advance Fee Deposit and More

Fees for Client Service

As participants in MMP, legal professionals are encouraged to reduce their fees, including any advance fee deposits, in accordance with the recommended WSBA Sliding Fee Scale listed below. Using the federal poverty level (FPL) as a guideline, the WSBA has created the following *Sliding Fee Scale* guidelines and strongly encourages participating legal professionals to establish similar fees:

Attorneys

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%

Limited License Legal Technicians

Client income 200-250% FPL = reduce fee by 50%

Client income 250-400% FPL = reduce fee by 25%

Determining Client Income

To qualify for a referral through MMP, an applicant's household income must fall between 200% and 400% of the Federal Poverty Level (FPL). The FPL chart below includes the minimum and maximum household incomes for potential MMP clients. Law students who conduct client intakes gather each client's income information and provide MMP attorneys with a potential client's gross annual household income. **Note that MMP students do not verify applicant incomes by requesting documentation. Attorneys are free to verify income of clients referred to them through the MMP.**

2023 Federal Poverty Guidelines

Household Size	200%	250%	300%	400%
1	\$24,980	\$31,225	\$37,470	\$49,960
2	33,820	42,275	50,730	67,640
3	42,660	53,325	63,990	85,320
4	51,500	64,375	77,250	103,000

See more at <https://aspe.hhs.gov/poverty-guidelines>

Please discuss all fees with the client when you first meet, including any consultation fee.

Lawyers are encouraged to produce all agreements in writing to ensure that both parties understand the scope of representation. For additional fee-related information and a model agreement, please visit WSBA's Practice Management Assistance [page](#) or see more below.

Information & Resources

Malpractice Insurance

The WSBA Moderate Means Program does not carry malpractice insurance for legal professionals accepting reduced-fee cases through the program. To participate in the program, lawyers and LLLTs must carry and certify that they have their own malpractice insurance. There is no requirement in terms of policy limits for insurance.

Information about malpractice coverage for legal professionals can be found [here](#).

WSBA Resources for Your Practice

In addition to resources like WSBA Connects and the Ethics Line, the WSBA provides several opportunities to help members build an efficient and effective practice.

- **Free CLEs:** The WSBA offers a monthly CLE program called Legal Lunchbox and MMP participants can be authenticated to receive access to Public Service Education portfolio CLEs
- Career Center – Find a Job [Learn More](#)
- Licensing & Lawyer Conduct - Information on Discipline, Licensing, MCLE and IOLTA [Learn More](#)
- Malpractice Insurance Resources [Learn More](#)
- **Free Legal Research:** You have access to two legal research tools--Casemaker and Fastcase—to conduct legal research, free. To learn more, visit www.wsba.org/LegalResearch.

WSBA Public Service Seminars & Trainings

We are pleased to offer free CLE courses to support WSBA MMP participating attorneys. To access these CLEs, please contact the Public Service Specialist at PublicService@wsba.org.

Resources for Law Firm Business Management

The WSBA offers free support to members in law firm business management. Our goal is to help you improve your business practices for a better client experience. Whether you are just starting out, looking to improve on an existing practice, or figuring out how to wind down your practice, we are here to help. We can answer questions about business development, marketing, technology, process improvements, and more. To get started, visit <http://www.wsba.org/pma>.

Sections

Joining WSBA Sections is a great way for legal professionals to connect with peers and to help thrive in their practice. Sections members become part of active professional communities and gain access to an array of exclusive section member benefits, such as list serves, newsletters, and discounted CLE

programs. The WSBA currently has 29 sections on a wide range of practice areas and shared interests. Some sections may be of particular interest to those participating in the Program:

[Antitrust, Consumer Protection & Unfair Business Practices \(ACPUBP\) Section](#)

[Creditor Debtor Rights Section](#)

[Family Law Section](#)

[Low Bono Section](#)

[Real Property, Probate & Trust \(RPPT\) Section](#)

[Solo & Small Practice Section](#)

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

Member Wellness Program

If you have concerns about the wellbeing of yourself or an attorney please reach out to us at 206-727-8267. We are versed in the many stressors upon attorney wellbeing as well as mental health disorders and addiction. We also promote a member benefit called [WSBA Connects](#) that provides all members free counseling with a licensed provider in their community. This can be utilized by calling 800-765-0770. All communication with our [program](#) is confidential according to [APR 19](#).

APPENDIX A: SAMPLE ATTORNEY-CLIENT FEE AGREEMENTS

SAMPLE FEE AGREEMENT-TEMPLATE MODERATE MEANS ATTORNEY-CLIENT

REDUCED FEE AGREEMENT FOR LEGAL SERVICES

I, _____ (Client), request and authorize _____ (Attorney[s]) to represent me/us on a reduced fee basis in the legal matter and on the terms as set forth below. The reduced fee is based on client income, fee guidelines recommended as part of the WSBA Moderate Means Program, and attorney(s) agreement to provide services at the rate as indicated.

1. Matter: The legal representation shall be in the following matter(s):

2. Changes in matter: The scope of the matter may be changed by written agreement between Client and Attorney.
3. Making information available: Client agrees to provide Attorney with any information or documents that Attorney deems useful or necessary for the representation. Client agrees to assist the Attorney in obtaining information and documents from any other sources which Attorney deems useful or necessary for the representation.
4. Keeping Attorney informed: Attorney shall promptly comply with Client's reasonable requests for information regarding the status of the matter. Before Attorney takes any action that may significantly affect Client or Client's activities, Attorney shall consult with Client, and shall abide by Client's decisions with respect to the objectives of the representation, subject to Attorney's ethical and legal obligations and professional judgment.
5. Keeping Attorney informed: Client understands his/her responsibility to cooperate with Attorney in order to be effectively and efficiently represented by Attorney during the course of the matter. Client agrees to provide Attorney with any necessary information, including any change in his/her employment, address or telephone numbers, and any significant change in the income or assets of Client.
6. Costs and disbursements: Attorney shall provide the legal services during the matter on a reduced fee basis as follows:

7. In addition, the Client shall pay and fully reimburse Attorney for all costs or out-of-pocket expenses incurred during the matter including, but without limitation, filing fees, service fees, and other fees necessitated during the matter. Attorney shall, whenever possible, utilize court rules, policies and procedures, such as In Forma Pauperis, to eliminate or reduce court costs. Attorney may receive any Attorney fees recovered in the course of Client's representation as if Attorney had not agreed to represent Client on a reduced fee basis.

8. Advanced fee deposit: Client must make an advanced fee deposit of \$ _____ to secure the services of Attorney.
9. Withdrawal of representation: Pursuant to the Rules of professional Conduct established by the Washington State Supreme Court, Attorney may withdraw from representation of Client after taking reasonable steps to avoid prejudice to the rights of Client. A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. The basis for the withdrawal may include, but is not limited to, the following:
 - a. Client does not cooperate with Attorney or, by Client's conduct, makes it unreasonably difficult for Attorney to carry out the representation effectively or efficiently; or
 - b. Client insists that Attorney engage in conduct that is contrary to the judgment and advice of Attorney or is contrary to law; or
 - c. Continued representation of Client would result in a violation of the rules of ethics and professional responsibility then applicable in Washington State; or
 - d. Client is no longer financially eligible for reduced fee legal services because of a material change in Client's resources.; or
 - e. There is good cause to justify withdrawal.
10. Discharge of Attorney: Client shall have the right to discharge Attorney at any time without cause. In the event of any such action, Client shall so notify Attorney in writing. Attorney shall have the right to regard any notification of discharge as final. Discharge of Attorney by Client does not relieve Client of any financial obligation to Attorney. At the time of discharge, the Client is obligated to pay all sums due to Attorney, including fees and costs. If appropriate, Attorney and Client may agree on terms of payment of sums due.
11. Client's representation: Client represents that Client meets the applicable financial eligibility requirements for reduced fee services.
12. Client's agreement to Attorney's representation: Client agrees that Attorney will represent Client on the terms set forth above.
13. Other:

Dated: _____

 CLIENT

 CLIENT

The undersigned Attorney hereby certifies that he/she/they agree to provide legal representation to Client in the matter and on the terms as set forth above.

Dated: _____

 ATTORNEY

 WSBA #