February 12, 2019

State Bar of Michigan
Lawyer Referral Service – Modest Means Panel

Section I -- Purpose

The State Bar of Michigan (SBM) Modest Means Program (MMP) is a reduced-fee referral panel operating through the SBM Lawyer Referral Service (LRS). This program is designed to make legal services available to lower and moderate income people that may be ineligible for legal aid programs. Eligibility for modest means legal services is based on income, capped at 250% of federal poverty guidelines, and liquid assets of less than $5,000.

Attorneys who accept referrals through the MMP agree to a reduced rate or fixed fee as detailed in Section IV. Due to the lower income of clients eligible for this program and the reduced fees, attorneys are able to have this work recognized as pro bono through the SBM Voluntary Pro Bono Standard that suggests that Michigan lawyers provide thirty hours of legal services for people of limited means.

Section II -- Administration

The SBM LRS manages the MMP, and the LRS rules apply. Revisions are outlined in Appendix E.

There is no additional fee for LRS panelists to be eligible as an MMP panelist.

Clients will provide income and asset information through an online application. This application will automatically calculate eligibility, and provide an initial determination. The MMP attorney will make the final determination of program eligibility after concluding an initial interview.

If an attorney determines the client is not eligible based on income or assets, the attorney may negotiate a higher fee with the client as long as that agreement is in writing and notice is provided to the LRS staff. The case is no longer considered part of the MM Program, is no longer considered pro bono, and the LRS Program rules, including remittance of 10% of earned fees, apply.

An electronic survey will be sent to both client and attorney at the conclusion of the case. (Surveys under development)
Section III -- Program Panels

We currently offer MM services in two primary legal areas: domestic relations/family law, and Chapter 7 bankruptcy.

Domestic Relations/Family Law
Domestic relations/family law includes but is not limited to legal separation, divorce, child custody, paternity, and post judgment matters.

The hourly fee and retainer cap in Section IV apply to these cases. Not included in the fee are non-attorney fees such as court filing and motion fees, transcript fees and mediation fees.

Bankruptcy
Chapter 7 bankruptcy cases will be handled for a flat fee of $500. This amount excludes filing fees, costs associated with adversarial proceedings, responses to contested matters, appeals, rule 2004 examination fees, transcript, and interpreter fees.

If the attorney and client decide to undertake work outside the scope of the flat fee program, the hourly rate will be $75 as described in Section IV.

Additional practice areas will be added as need and availability of panel members becomes known. Some legal topic areas that are in development:

- General Consumer
  - Legal services to provide contract review, fair debt collection, collections, and payment plans.

- Housing/Real Estate
  - Landlord Tenant, foreclosure prevention, land contracts, deed preparation.

- Probate and Trust
  - Trust administration, adoption, guardianships/conservatorships, and simple estate planning including wills, power of attorney, and advanced directives.

- Insurance Matters

- Expungements
Section IV -- Fees

Initial Consultation and Referral Fee
Potential clients will pay $25 directly to the SBM MMP before a referral to a MMP attorney is made and in the same manner as the LRS fee is collected. The fee covers the initial 25 minute attorney consultation and some of the cost of program administration. The fee will be waived for tenants with pending court proceedings.

Hourly Rates
Panelists agree to charge no more than $75 an hour for MMP legal services subject to an hourly rate.

Retainers and Retainer Maximums
Panelists agree to limit the retainer to ten hours, and to provide the client with written and oral guidance on how to effectively use the time. Panelists agree to counsel the client on whether the goals of the case can realistically be achieved within a ten hour retainer, and the procedures to be followed if the case is not completed within ten hours. If it becomes clear that the amount of work will exceed the ten hour cap, the attorney will notify the client and devise a plan for moving forward and reducing costs.

Panelists can use the LRS MMP retainer, or, as an alternative, can use their own retainer with the MMP retainer language, provided the details of their own retainer do not conflict with the spirit or intent of the MMP program.

Payment for additional legal services beyond the original retainer should be at the same rate as the initial retainer. Additional retainers and the services to be provided thereunder are a matter between attorney and client.

Flat-Fee Services
Flat fee rates for services provided by the MMP will be established and advertised. Flat fee rates are the attorney’s fee for services and do not include court or ancillary fees.

Court or Ancillary Fees
The maximum retainer caps and flat fee agreements do not include court fees such as filing fees, motion fees, court ordered mediation fees or other court costs. They do not include ancillary fees such as witness, expert, deposition, interpreter or transcript fees.

These fees are exempt from the retainer cap and flat fee but must be discussed and approved in advance of the expenses being incurred by the client.
Fee Waivers
The attorney must assess whether a client may be eligible for a court-ordered waiver of certain fees. If a good faith argument can be made for a fee waiver, the attorney must discuss the possibility with the client and weigh the advantages and disadvantages of the lawyer asking the court for a waiver, charging the hourly rate to make the request.

Section V -- Attorney Eligibility for MMP Panels
SBM licensed attorneys that are member of the LRS can elect to join the MMP for no additional fee.

Participating attorneys agree:

- To abide by the LRS rules and agree to charge no more than the fee limits outlined in Section IV
- To use the LRS MMP retainer, or, as an alternative, use their own retainer with the MMP retainer language included, provided the details of their own retainer do not conflict with the spirit or intent of the MMP program
- To discuss with the client and provide written information on how to reduce costs
- To discuss with the client how to move forward when additional legal services beyond the retainer are needed prior to collecting any additional retainer amounts
- To candidly counsel a client as to the merits of their case, and to advise LRS staff if, in their opinion, the case has no merit.

MMP cases are recognized as pro bono cases through the SBM Voluntary Pro Bono Standard that suggests that Michigan lawyers provide thirty hours of legal services for people of limited means.

The attorney may provide future legal services at an increased hourly rate if the client’s financial status changes significantly during the course of representation. The attorney must provide notice of the change to MMP staff.
Section VI -- Client Eligibility

Clients will fill out an online modest means through the SBM LRS website. The application will be programmed to automatically determine initial eligibility.

Eligibility is based on household income and assets. Those with Income at or below 250% of the Federal Poverty Guidelines and liquid assets not exceeding $5,000 are eligible for service.

The online program calculation will be accepted by LRS staff and, if preliminarily deemed financially eligible, will cause a search for a MMP lawyer for the case type requested.

Final eligibility determination will be made by the attorney at the initial consultation. The attorney may request income verification such as pay stubs, tax returns, notice of Social Security benefits, or other relevant income documentation.

The attorney may provide future legal services at an increased hourly rate if the client’s financial status changes significantly during the course of representation. The attorney must provide notice of the change to MMP staff.

Section VII -- LRS Staff Responsibilities

LRS staff will rely on the financial eligibility determination made by the online application program to deem and applicant preliminarily qualified.

LRS staff will assess whether the MMP panel has a qualified panelist available to provide an initial consultation for the case problem described by the client.

LRS staff will collect the $25 application fee and make an initial referral to one MMP attorney.

LRS staff will provide up to two additional referrals to a MMP attorney if the original attorney has a conflict, or other cause to refuse representation, and other MMP attorneys are available.

LRS staff will track MMP Referrals if the MMP attorney determines the client is not financially eligible and lawyer and client enter into retainer agreement outside of the MMP. These referrals will no longer be considered MMP, and therefore do not qualify as pro bono service, and will be subject to the 10% remittance fee to the LRS.

LRS staff will track the number of referrals.
Section VIII -- Additional Documents

Appendix A – Model Retainer Agreement
Appendix B - Attorney Guidelines and Incentives
Appendix C - Client Effectiveness Guide
Appendix D - Client Application
Appendix E – LRS Rules
Appendix F – 2019 Federal Poverty Guidelines
Appendix G – Panel Registration
Appendix A – Model Retainer Agreement


_______________________________ and _______________________________
(Client Name) (You)      (Attorney Name) (I)
agree that I will provide legal representation through the State Bar of Michigan Modest Means
Program for the following legal issue(s): _______________________________________

My fees for this matter are at the reduced rate of
☐ Fixed Fee of $_______ ($500 max)
--OR--
☐ Hourly Fee of $_______ /hour ($75.00 max)
Listed below are our arrangements.

If using the hourly rate above, a maximum retainer of $_____________ (No more than $750.00) is
required to be paid prior to my filing any documents with the courts and becoming the attorney of
record for this issue.

The retainer is an amount that will be held in escrow (like a deposit) and applied against actual fees at
the hourly rate above. After the case is finished, any unused portion of the retainer will be refunded to
you. The retainer applies to attorney fees only and does not include filing fees, court costs, mediation, or
other litigation expenses. You are responsible for the payment of these costs in a prompt manner.
You may apply for a waiver of court fees, which are granted at the court’s discretion. We will discuss
whether a request for a fee waiver should be made.

Some cases allow for the recovery of attorney’s fees as part of the damages in a lawsuit.
If I obtain an award of attorney’s fees in this matter, I can keep that award; however, you will get a
refund for attorney fees or retainer you already paid for this matter.

If it becomes clear that my fee will exceed the amount of the retainer, I will notify you promptly so that
we can discuss in good faith how to proceed. No additional fee will be charged unless we have reached
an agreement on the fee and the manner of payment. At the conclusion of this case or my services, any
amounts due must be paid by a stated date or according to a payment plan.

If you disagree with my bill and we cannot agree on a resolution, you have the opportunity to submit a
request to the State Bar of Michigan Lawyer Referral Service (LRS). The LRS will assist in resolving the fee
dispute.

Date:__________________    Client Signature:_______________________________________
Appendix B – Attorney Guidelines and Incentives

Why would I want to participate in this program as an attorney?

- **Giving Back**
  - Many people that don’t qualify for legal aid programs still don’t have the resources to pay the traditional market rate for legal services. This program is designed to help bridge that gap

- **New Lawyers:**
  - This is a great way to build experience and a client base. The best advertising is word-of-mouth, and by helping people through this program, they will tell their friends and family, and will likely refer more clients your way
  - This is a good way to build rapport with judges and clerks for your new practice
  - Provides some guaranteed income

- **Experienced lawyers:**
  - This is a good way to break into a new area, with new clientele
  - Potential for income
  - A good way to connect with new lawyers and provide a possible mentor relationship

- **For all lawyers**
  - This is a good way to dip your toe in the legal innovation pool
  - Learn to use new, efficient technologies
  - Develop a new business model to serve a growing market
  - Build skills and competency in the legal tech world
  - Assist the court (and your other clients) by reducing the strain of pro se litigants on the court docket

- **Low supply/High Demand.**
  - There is a huge demand for legal services in the “Forgotten Middle” this program can help you develop an efficient practice, to meet this need while earning a reasonable fee

- **Pro Bono Standard**
  - The clients you serve will count towards the pro bono standard. The pro bono standard is for every attorney to provide 30 hours of service each year
Appendix C - Client Efficiency/Effectiveness Guidelines

How to make the most of your Modest Means Attorney:

Here are a few simple tips to make the most of your experience, without breaking the bank!

Remember that this is not a free service and that your time (and the attorney’s) is valuable. Unless you are utilizing one of the fixed-fee services (look at your retainer agreement to be sure) your attorney is billing by the hour.

Keep in mind that when you call or e-mail your attorney, they are keeping track, and will charge against your retainer for the time it takes to answer your questions.

We know you have lots of questions, so make sure to plan ahead:

- Find out if your attorney prefers e-mails or phone calls
- When e-mailing, make sure you have your questions organized and use short sentences and lists instead of long paragraphs.
- If you are able, e-mail your questions and ask the attorney to call you back at a time that’s convenient for both of you.
- Ask all your questions at once, in the same e-mail. If you need to ask a follow-up question, reply to the initial e-mail to make everything easier to find.
- If you have a meeting scheduled, come to your meeting prepared
  - Have your list of questions ready, including anything else you’d like to talk about
  - Make sure you have all the requested documents and information, organized and ready to go.
- If you have a meeting scheduled, make sure to get there on time – or a little early. These things can be stressful, so try to reduce it by knowing where to go, and giving yourself plenty of time to get there.

Follow Through – If your attorney asks for documents, to contact a possible witness, or other things, do it!

By following these tips, you’ll be able to get more from this experience and save a little bit of money.
Appendix D – Client Application

Still in production: http://lrs.michbar.org/LRS-Info/Modest-Means-Program
Appendix E – LRS Rules

Effective January 29, 2019

Rules of the LRS Program

Rule 1. Purpose and Scope

The State Bar of Michigan Lawyer Referral Service program (LRS program) is designed to match someone who can afford to hire a lawyer and needs help finding one with a lawyer willing and able to provide the needed legal services. The LRS program charges a $25 administrative fee that it uses to offset its expenses and will match a caller with a participating lawyer referral panelist who will provide up to a 25-minute initial consultation free of charge. The administrative fee is waived for tenants with urgent housing problems, Social Security claimants, workers’ compensation claimants, and personal injury plaintiffs.

Rule 2. Eligibility Requirements and Conditions of Panel Membership

2.1. State Bar members who are active and in good standing are eligible to serve as LRS panelists. Panelists must abide by these rules and will receive referrals in the areas of practice they select when registering via the LRS online panelist portal. To access the portal, follow the link below to the Legal Resource and Referral Center homepage and click on the “LOGIN” box in the upper right hand corner of the page. You will be taken to an account login page that includes a tutorial you can view.

https://lrs.michbar.org/

2.2. Panelists must be engaged in the practice of law on a full- or part-time basis and must have ready access to suitable office or meeting space in which to hold confidential meetings. Use of space at the State Bar of Michigan, any local or county bar, a public library or similar space is allowed. Panelists must promptly notify LRS using the LRS online panelist portal of any change in their membership status or contact information, including address, email, and telephone number.

2.3. Panelists must carry professional liability insurance in an amount not less than $100,000 per occurrence and $300,000 aggregate and must provide a current copy of their insurance policy certificate. Expiration of a panelist’s professional liability insurance will automatically suspend that panelist from the LRS program until the renewed policy certificate is filed with the State Bar. The certificate can be uploaded to the LRS program using the LRS online panelist portal.

2.4. Panelists may elect to accept referrals in any field of law in which they are competent, in accordance with MRPC 1.1. Referrals are made to panelists on an impartial, rotational basis. Panelists are eligible to receive referrals in every practice area they have selected.

2.5. There is no attorney-client relationship or other professional relationship between the LRS program and the LRS caller. Fee disputes are between the panelist and the caller, although LRS staff are willing to assist the parties in seeking to resolve a fee dispute.

2.6. A panelist’s acceptance of a referral for an initial consultation does not obligate the panelist to provide legal services beyond the initial consultation. A panelist who has received a referral from the LRS program that is within the practice areas the panelist selected when registering with the program may not unreasonably refuse to accept the referral or to schedule an initial consultation. A panelist who declines a
referral that is within a practice area the panelist selected when registering with the LRS program may be placed at the end of the rotation list. A panelist’s habitual refusal to accept referrals may be cause for removal from the LRS program.

2.7. A panelist may temporarily suspend participation in the LRS program at any time, for any length of time, and for any reason (sickness, vacation, press of business, personal reasons, etc.) by making the appropriate selection on the LRS online panelist portal. For help in doing so, go to the LRS Panelist Quick Reference Guide.

2.8. If in the opinion of the LRS program staff there is reasonable cause to believe a panelist has violated the Rules of the LRS Program or any related polices, the LRS program may suspend or remove the panelist from participating in the LRS program or take such lesser action as is deemed appropriate. In most cases, advanced written notice will be sent to the panelist’s email address but the LRS program reserves the right to act without notice in cases where it deems immediate action is required.

2.9. It is the obligation of a panelist to immediately report to the LRS program that a complaint has been brought against the panelist alleging malpractice or another tort pertaining to the representation of a client arising from an established attorney/client relationship or that a complaint as defined by MCR 9.115(B) has been filed against a panelist. The LRS program, at its sole discretion, may elect to suspend the panelist during the pendency of the legal proceeding or disciplinary matter and similarly, at its sole discretion, may elect to reinstate the suspended panelist for the balance of the term covered by the registration fee last paid upon confirmation that the legal proceeding has been fully determined or that the disciplinary matter has been resolved without a warning, reprimand, or change in the panelist’s membership status.

2.10. The LRS program will collect a $25 referral fee from a caller seeking a referral and callers referred to a panelist are entitled to a free consultation with the panelist of up to 25 minutes. (Panelists must participate in the consultation and may not delegate it to staff assistants.) Any attorney fees following the initial consultation are settled upon between the caller and panelist, in accordance with MRPC 1.1 and 1.5. Panelists agree not to charge more fees and expenses to an LRS program caller than they would to a client not referred by the LRS program.

2.11. The annual base registration fee for participation in the LRS program is $150, which entitles a panelist to designate up to four practice areas and up to two judicial circuits from which to receive referrals.

   a. Up to Four Practice Areas. Each practice area selected (i.e. family law, consumer law, animal law, etc.) includes all sub-practice areas under that practice area, although the panelist has the option to select fewer than all of the sub-practice areas when registering.

   b. Up to Two Judicial Circuits. Panelists will automatically receive the judicial circuit in which their primary office is located and may select one additional judicial circuit. There are many judicial circuits within the state that are comprised of more than a single county, and panelists may choose to limit referrals to fewer than all of the counties in a multi-county circuit. The Upper Peninsula may be treated as a single circuit, with the ability to opt out of any counties from which the attorney does not wish to receive referrals.* (See notes below regarding the option to choose the entire Upper Peninsula).

Additional practice areas may be purchased at $25 for each practice area added.

Additional judicial circuits may be purchased at $25 for each judicial circuit added or $300 for all judicial circuits in the state.** (See notes below regarding the option for choosing entire state).
Example: Attorney Paisley Parker has a general practice firm. She lives in Arenac County.

   $150.00 base fee

   Included in the base fee are: bankruptcy & debtor/creditor, consumer law, family law, and general litigation & practice.

   23rd Circuit Court jurisdiction and 55th Circuit Court jurisdiction

   She also handles labor & unemployment law ($25) and real property law ($25) and often appears in the 34th Circuit Court ($25) and 18th Circuit Court ($25).

   $100 for two additional practice areas and two additional judicial circuits

   The total annual amount she would owe for her selections is $250.00.

2.12. For any referral received by a panelist generating an attorney fee of $250 or more, the panelist agrees to remit 10 percent of the entire attorney fee (including 10 percent of the initial $250 attorney fee) to the LRS program within ten (10) working days. Payments may be made electronically using the LRS online attorney portal or by check made payable to the State Bar of Michigan LRS program. Panelists are prohibited from increasing legal fees to LRS program callers to compensate for the required payments to the LRS program.

2.13. Panelists are required to comply with all LRS program reporting requirements, including those relating to the timely online submission of referral reports and payments. A panelist who fails to comply with LRS program reporting requirements may be suspended.

2.14. Panelists are not permitted to refer or transfer an LRS referral to another lawyer. If a panelist declines to represent an LRS caller, the caller must be referred back to the LRS program. Any panelist who violates this rule is subject to suspension and is liable to the LRS program for any fees the LRS would have earned had the panelist not transferred or referred the caller to a second attorney. A panelist may use another lawyer as co-counsel; however, a panelist who uses co-counsel shall be liable to the LRS program for 10 percent of all attorneys’ fees recovered by both the panelist and co-counsel, and the panelist shall give written notice of this requirement to co-counsel, along with a copy of the Rules of the LRS program at the time the co-counsel relationship is established. Any panelist who fails to comply with this reporting requirement may be suspended.

Rule 3. Operations

3.1. Calls to the LRS program will be screened by LRS program staff who, as trained call center representatives, will determine what type of lawyer best matches the caller's needs. LRS program staff will manage day-to-day operations of the LRS program, which may include periodic surveys by mail, email or telephone of panelists regarding their participation in the program and LRS callers regarding their experience with the LRS program and their customer satisfaction.

3.2. When a referral is made, the LRS program will generate and email a referral notification directly to the panelist at the email address the panelist provided for receipt of referrals when the panelist registered. The referral notification email will include the caller's name, the practice area that is the subject of the caller's contact, and whether the caller has consented to being contacted by the panelist. Panelists are required to contact the caller within two business days of receipt of the referral to either conduct the consultation or to schedule a time when the consultation can be conducted. If there is a conflict of interest, the panelist will promptly notify the LRS.
program by email and the caller will be referred to another panelist. The referral may not be transferred or referred to another attorney without the express prior written consent of the LRS program. **The referral report is to be electronically completed and returned to the LRS program using the LRS panelist online portal within 24 hours of the consultation.**

**Importantly, research establishes that consultations that occur within 24 hours of a LRS program referral result in significantly higher attorney retentions.**

3.3. By registering with the LRS program, panelists agree to:

   a. Use written fee agreements for any services provided beyond the initial consultation.

   b. Communicate regularly with LRS program staff, including updating online profiles and providing notice if a panelist is unable to accept referrals for a period of time.

   c. Keep clients reasonably informed about the status of their matters and respond promptly to reasonable requests for information.

   d. Return telephone calls and emails promptly and timely provide clients with copies of important papers and letters.

   e. Timely complete status reports using the LRS online panelist portal.

3.4. The LRS program may request panelists to verify that correct remittances have been paid. Upon request, panelists must provide verification to LRS to the extent reasonably necessary to resolve any remittance dispute and to the extent the rules of professional conduct allow.

Notes:

* If you wish to receive referrals across the entire Upper Peninsula as a single circuit, please contact Janna Sheppard, LRS Coordinator at the State Bar of Michigan, either by phone (517) 346-6357, or email jsheppard@michbar.org.

**If you wish to choose all 57 judicial circuits within the state of Michigan, please contact Janna Sheppard.
## Appendix F – 2019 Federal Poverty Guidelines

### 2019 Annual Poverty Guidelines (250%)

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<th>Poverty Guideline</th>
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For families/households with more than 8 persons, add: 11,050

### 2019 Monthly Poverty Guidelines (250%)

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For families/households with more than 8 persons, add: 921
Appendix G – Panel Registration

Follow Link to Legal Resource and Referral Center.

Choose Login in upper right hand corner. Use the same login credentials that you use to login to the SBM Member Area.

If you need to reset your password, visit the SBM Member Area and follow the prompts to reset your password. Then return to the Legal Resource and Referral Center to login and create your LRS (Modest Means Program) profile.
The State Bar of Michigan Modest Means Program

The Bar’s Modest Means Program ("MMP") is a reduced-fee referral panel operating through the SBM Pilot Referral Service and is designed to make legal services available to lower and moderate income people that may be ineligible for legal aid programs. Further information about the MMP, including eligibility requirements and attorney rates, is available online at http://www.michbar.org/programs/lawyerreferral_panel/MMP

Permissible Fees

- **Initial Consultation/Referral Fee:** Before making a referral, potential clients will pay a $25 referral fee, which covers the initial 25 minute attorney consultation, as well as the cost of program administration.

- **Hourly Rates:** Panelists may charge no more than $75.00 an hour for legal services billed on an hourly basis.

- **Retainer Maximum:** The initial retainer may not exceed 10 hours, i.e. 10 hours @ $75.00 per hour = $750.00, but excluding costs and fees. If the amount of work will likely exceed this cap, the attorney will promptly notify the client and MMP staff. The attorney and client will agree upon a plan for moving forward, how to reduce costs, and method of payment, which will be detailed in an additional retainer agreement that the attorney and client must sign. No costs or fees above the initial retainer may accrue unless an additional retainer agreement is first executed.

- **Fixed-Fee Services:** Services under the MMP Bankruptcy panel are provided on a fixed-fee basis. Providers will charge no more than $500 fee for the preparation and filing of a Chapter 7 bankruptcy. This fee does not include the cost of filing fees or any adversarial or contested proceedings.

- **Court or Ancillary Fees:** The maximum retainer caps and fixed-fee arrangements do not apply to the court fees, such as filing, motion, or other court costs, or to ancillary fees, such as witness, expert, deposition and interpreter fees so long as such fees have been discussed and approved in advance of the expenses being incurred. The attorney should notify the client of court fees that the court may waive and when appropriate, assist the client in preparing the waiver request.

Client Eligibility

- The MMP is generally available to clients with an income at or below 250% of the Federal Poverty Guidelines as posted annually on the federal register, based on household income and size, bank accounts and other assets will be taken into consideration.

- Clients will complete an application through the SBM LKS website, and an initial eligibility determination will be made based on income and the type of legal issue.

- Initial eligibility is determined electronically by the intake form. The eligibility determination will be made by the attorney at the initial consultation. The attorney may request income and asset verification such as pay stubs, tax returns, notice of social security benefits, or other relevant documentation. If the attorney determines the client ineligible for the program due to income or assets, the client may choose to hire the attorney at a higher rate. If the attorney determines the client ineligible, written notice must be provided to the MMP.

- A client who disagrees with an attorney’s eligibility determination may seek review with the MMP but great weight is given to the attorney’s determination.

- If the client’s financial status changes significantly during the course of representation, the attorney may provide future legal services at their normal billing rate, after providing notice to MMP staff.