Access to Justice Commission
Workgroup on Modest/Moderate Means Program
January 2014

The Access to Justice Commission is committed to assessing, developing and supporting projects and programs that expand access for all people. As a Judicial Branch entity with a varied membership representing public and private interests, the Commission is in a unique position to further collaborations that will serve the public in ways that benefit all court stakeholders.

To that end, the Commission, in its Annual Report to Chief Justice Chase T. Rogers in late 2012, recommended that a workgroup be convened to assess the feasibility of establishing a voluntary statewide modest/moderate means program with the support of state bar associations and the 26,000 attorneys licensed in Connecticut.

It is unchallenged that Connecticut's legal aid providers receive far more requests for assistance than they are able to fill. Consequently, many people opt to represent themselves in litigation. Nearly 100 percent of housing cases have at least one self-represented party, as do 84 percent of family cases. And while the Judicial Branch has been aggressive in providing tools for self-represented parties, few would argue that people benefit from the skills and experience of an attorney.

For many self-represented parties, going it alone is not a choice, but an economic necessity. A modest/moderate means program would allow attorneys to offer their services to those in need, at a reduced hourly rate.

Currently, the New Haven County Bar Association operates a very limited Modest Means Reduced Fee Referral Program for "certain types of family law, landlord/tenant, unemployment compensation and minor criminal cases." Applicants pay a $25 referral fee and, if their assets are no more than 250 percent of the current federal poverty guidelines, they are referred to an attorney who will consider taking their case at a reduced fee of $60 per hour. The program has been in existence for several years, but has not been replicated statewide.

The Workgroup on Modest/Moderate Means will assess the New Haven program and examine other jurisdiction's programs, including the Washington State Bar Association's Moderate Means Program, which was established in 2012 and operates statewide. Washington State's program is a bit different than New Haven's, as its attorney members work for reduced fees, based on the potential client's verified income level — between 250 and 400 percent of the federal poverty level. Based on income levels, the client would pay the attorney an hourly rate discounted between 25 and 75 percent. Further, the Washington program has a mentor component to it, with more experienced practitioners encouraged to serve as mentors to younger attorneys who have accepted cases through the program.

It will be the goal of the workgroup to assess the variations of modest and moderate means programs before making any recommendations. The members should:

- Assess existing MM programs
- Meet with legal aid providers to discuss where the greatest shortage of legal assistance exists: Family, housing, etc.
- Conduct surveys of the members of various bar associations to gauge support or opposition to reduced fee structures: If the members encounter opposition to such a program, attempt to determine the 'why' behind the reluctance

The Workgroup should be prepared to develop a concrete, workable proposal detailing how such a program could be implemented, for support by the Commission and for review by the Chief Justice by the fall of 2014.