

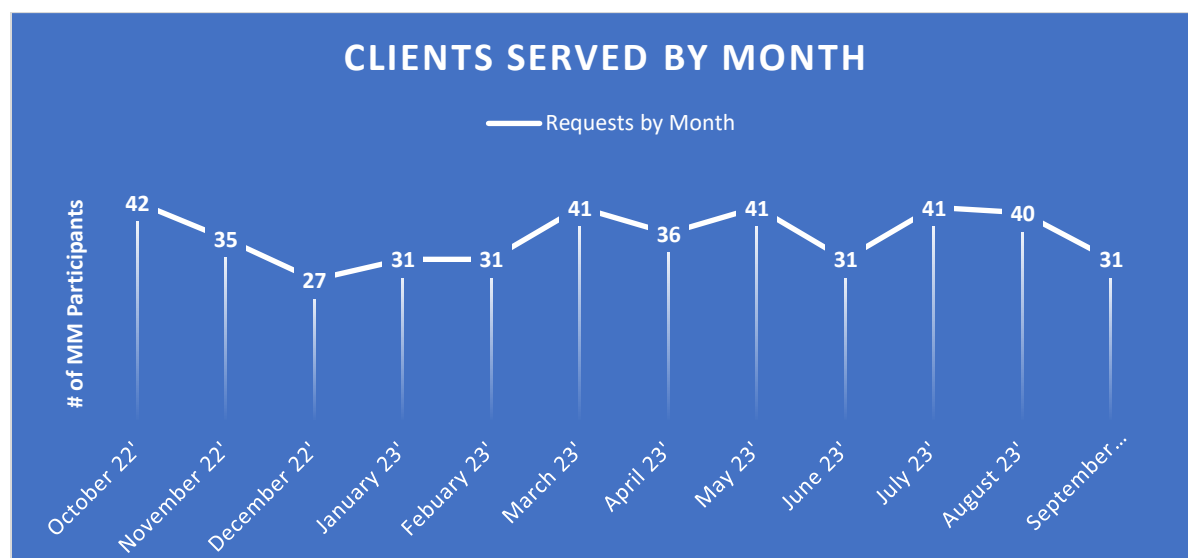
2022-2023 Modest Means Report



The Utah State Bar Modest Means Program helps people who financially qualify find a lawyer offering discounted rates. The applicant pays a \$25 fee to cover administrative costs to use the program. Those who qualify receive referrals for two attorneys who agree to charge no more than a \$50 or \$75 hourly rate, or a corresponding flat fee, depending on income. The \$50 hourly fee is offered to people making between 125% and 200% of the Federal Poverty Guidelines. The \$75 hourly fee is offered to people making between 201% and 300% of the Federal Poverty Guidelines.

Referrals Given

Over the past year, the Utah State Bar Access to Justice Office was able to send referrals to 427 applicants for 562 different legal issues.



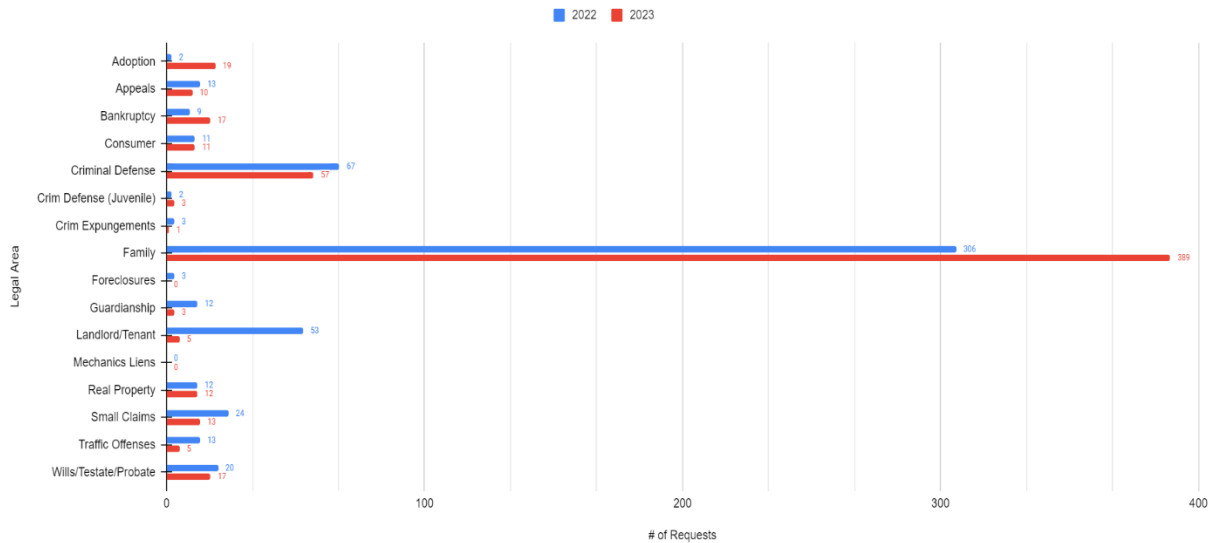
The program averaged 35 requests each month with the maximum number of requests being 42 in October 2022. This average is a reduction from the previous year's report where the program averaged 41 requests per month. Clients still receive two lawyer referrals. If they request an uncommon area, they can contact our office and receive more referrals. Otherwise, each referral also receives instructions on how to navigate Licensed Lawyer, and the option to get a refund of their administrative fee.

Clients could request assistance in up to 16 different areas of law including Adoption, Appeals, Bankruptcy, Consumer Law, Criminal Defense, Criminal Defense (Juvenile), Criminal Expungements, Family Law (divorce, parentage, child custody, child support, alimony, protective and civil stalking orders), Foreclosures, Guardianship/Conservatorship, Landlord Tenant Issues, Mechanic Liens, Real Property, Small Claims, Traffic Offenses, or Will, Trust, Estate Planning, or

Probate. They had the option to select as many areas as applied to their situation but most selected only one area.

The most requested legal issue continues to remain family law issues. The other top requested issue is criminal defense. Of note, it does stand out just how drastically requests for Landlord Tenant assistance have dropped over the course of one year. Due to the drop, it moved requests for legal help in small claims and in the realm of estate planning up to the third most requested.

Requests by Legal Area



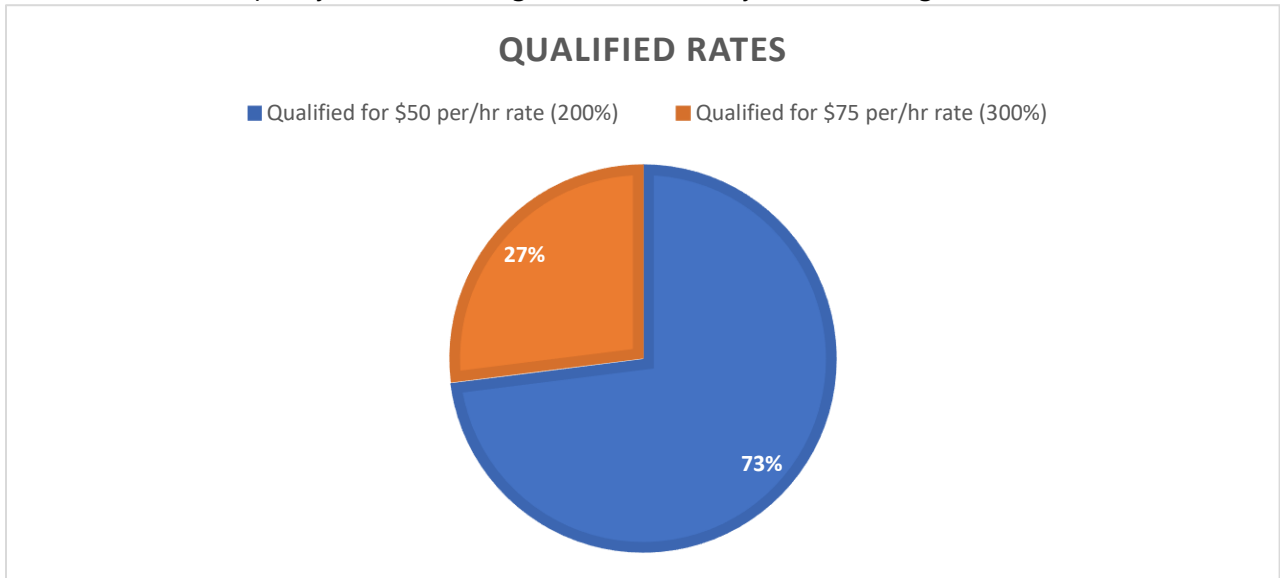
Legal Area	Adoption	Appeals	Bankruptcy	Consumer	Criminal Defense	Criminal (Juv.)	Crim Expung.	Family Law	Foreclosures	Guardianship	Landlord /Tenant	Mechanics Lien	Real Property	Small Claims	Traffic Offenses	Wills /Estate /Probate
2022	2	13	9	11	67	2	3	306	3	12	53	0	12	24	13	20
2023	19	10	17	11	57	3	1	389	0	3	5	0	12	13	5	17

These requests show a 21% increase in family-related requests, a 46% decrease in small claims, a 62% decrease in traffic offenses, and a 91% decrease in landlord-tenant dispute requests. We are unsure of the primary reason(s) for this dramatic decrease in requests for help in these areas.

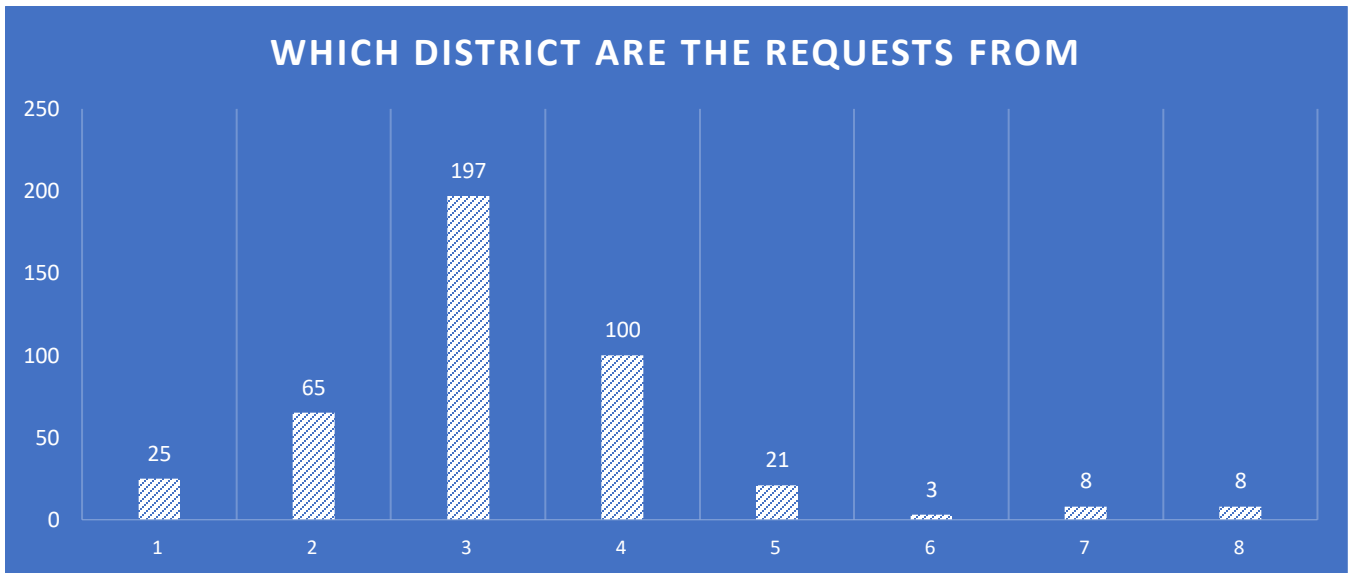
Currently, there is a \$25 administrative fee charged to the public to receive referrals for Modest Means Program lawyers. Potential clients submit financial information to qualify for reduced rate services. People are asked about their household, income, and assets to determine whether they qualify for the \$50 hourly or \$75 hourly lawyer rate. This calculation includes their household size, wages, Social Security/disability, child support received or paid, other income, and any other assets they may have.

A client qualifies for the \$50 hourly rate if their annual income falls between 125-200% of the Federal Poverty Guidelines by household size. A client qualifies for the \$75 hourly rate if their annual income falls between 200-300% of the Guidelines. In 2021-22, there were 346 clients who qualified for the \$50 hourly rate (71%) and 140 clients who qualified for the \$75 hourly rate (29%). These numbers decreased slightly with 303 (70%) applications qualifying for the \$50 hourly rate and 112 (26%) applications qualifying for \$75. There were a few applicants this year

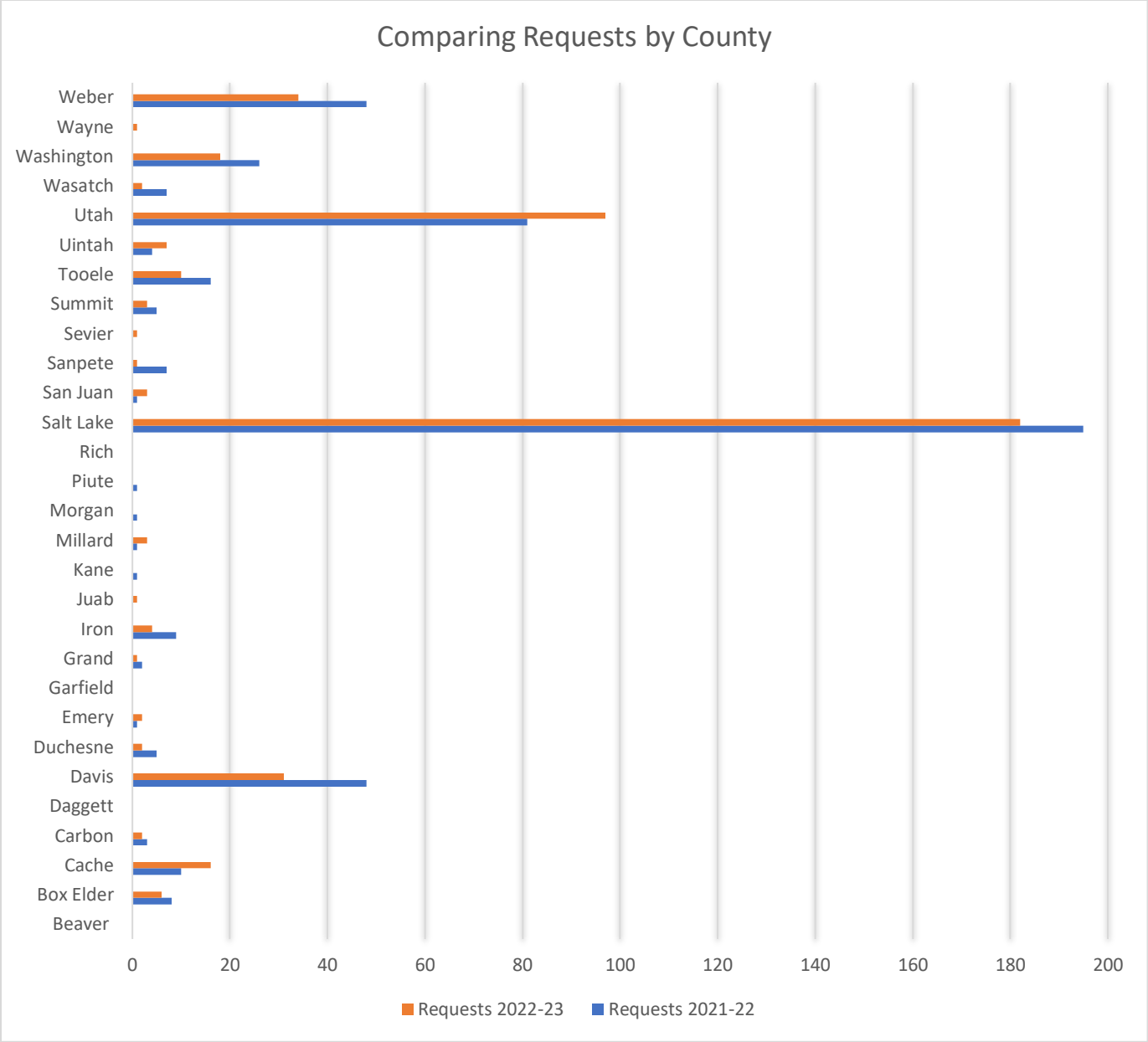
who needed assistance from our office to complete their application form, which let us know that a few did not qualify due to earning too much money or not enough.



Client requests varied significantly by judicial district, with the Third having the most applicants at 197 and the Sixth having the fewest at 3. There was an increase in requests in the Fourth district, all the other districts saw a decline in requests.



When looking at requests at the County level, only one county had an increase in requests this past year. Utah county had a considerable increase in requests, while other more populated areas, such as Salt Lake County, saw a reduction.

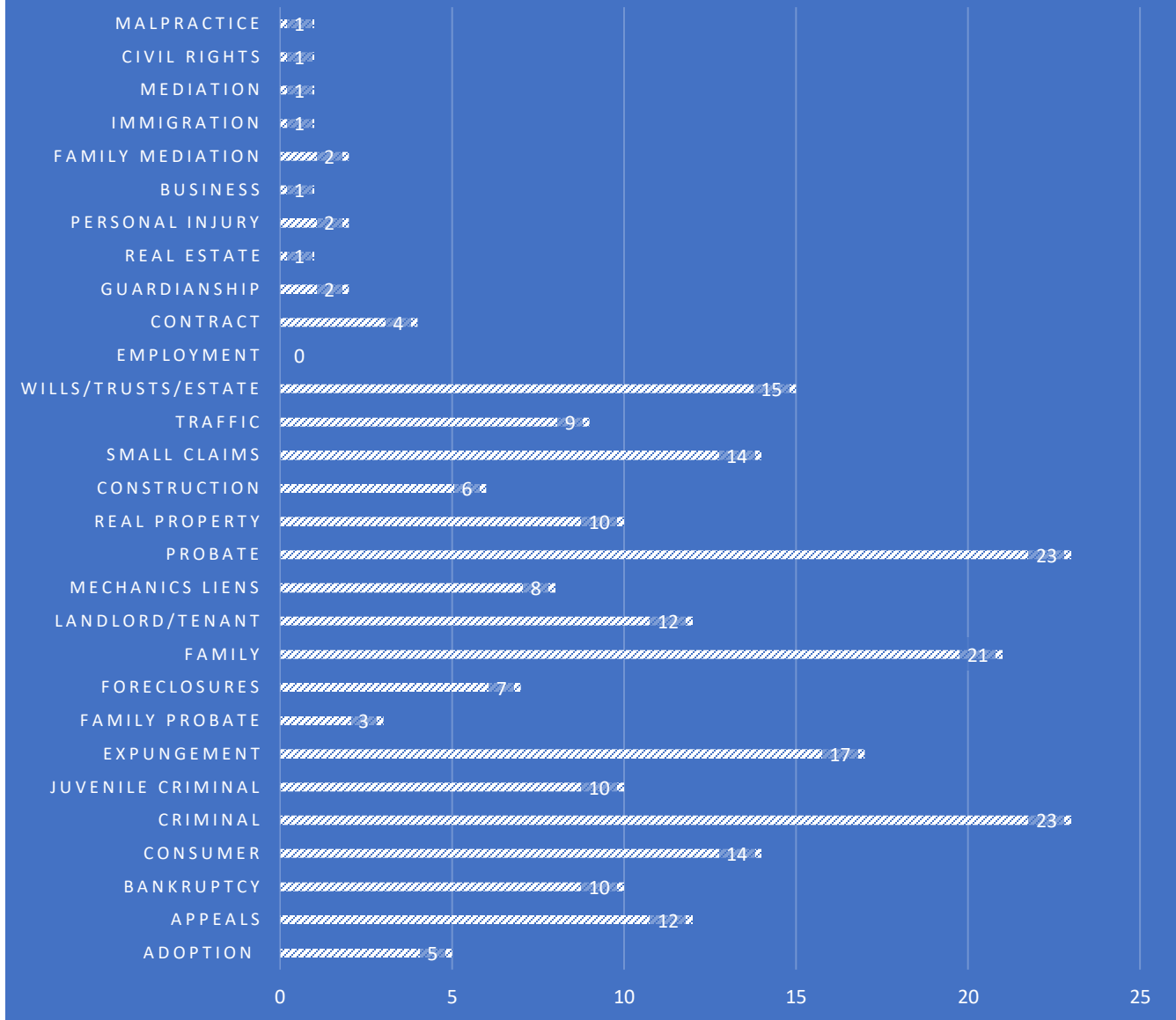


Lawyers Serving

In 2022-23, 64 lawyers offered reduced rate services through the Modest Means Program.

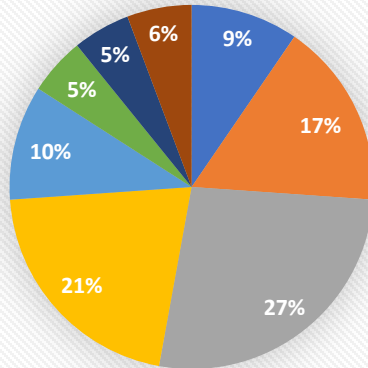
When lawyers register for the program, they can select up to 17 legal areas in which they practice: Adoption, Appeals, Bankruptcy, Consumer Law, Criminal Law, Criminal Cases in Juvenile Court, Expungements, Family Law, Foreclosures, Landlord Tenant, Mechanics Liens, Probate Law, Real Property, Small Claims, Traffic Offenses, Will/Trust/Estate. These numbers fluctuate as lawyers sometimes change their offerings.

ATTORNEY'S AVAILABLE BY PRACTICE AREA



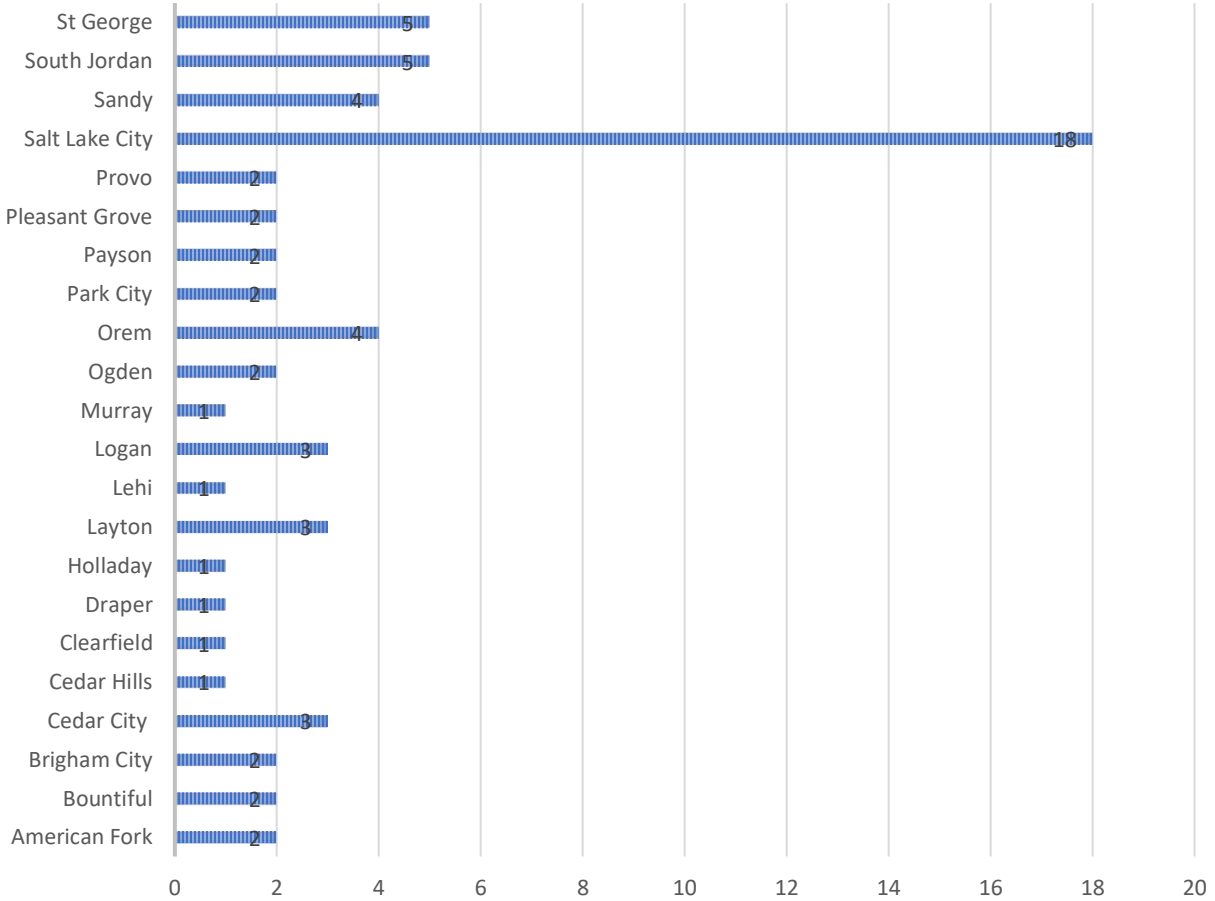
Due to the option of virtual hearings during the pandemic, we had metro-area attorneys agree to provide services in more rural areas of the state. The option of virtual hearing has become less accepted by some courts, which has led to some of our referral attorneys deciding to limit where they offer services. We were able to track where attorneys were willing to provide services by district. We took that one step further and tracked where the attorney's office was located. This gives the program an idea of how far an attorney is willing to travel if the option of a virtual hearing is no longer available.

Attorneys by District



■ 1 ■ 2 ■ 3 ■ 4 ■ 5 ■ 6 ■ 7 ■ 8

WHERE ARE ATTORNEY'S LOCATED?



Refunds

The Access to Justice Office issued 32 refunds in 2022-23

The Access to Justice Office made a policy change within the last year to provide refunds if requested by a participant who could not retain a Modest Means attorney. This change was made due to an increase in complaints about attorneys being unavailable or unable to accept additional clients through the program. Since making that change, we have issued 32 different refunds. That puts a return rate of 7% on every application that is received.

Changes in the Future

The Modest Means Committee is determined to make sure that the program continues to be a benefit to participating attorneys and to the community at large. The focus has been and will continue to be on (1) incorporating Licensed Lawyer, the Utah State Bar's lawyer referral service, (2) moving the day-to-day program management to an automated database (Airtable), (3) creating an informational packet for participants, and (4) ensuring Modest Means attorneys are fairly compensated for their services.

An issue we routinely run into is applicants who are not able to find an attorney to represent them with the two referrals that are provided. The committee is working with the Bar to provide a link to www.LicensedLawyer.org where people can filter for Modest Means attorneys. This would allow applicants to have more choice when choosing attorneys to contact. In addition, we have run into concerns about potential discrimination issues (e.g., potential clients not wanting women lawyers), and attorneys not receiving equivalent numbers of referrals. The other major concern is that the same attorney will be called, nonstop or the list will be shared to individuals who do not qualify. Currently, a calculator on LicensedLawyer.org is only being used as the screening tool that potential clients use to financially qualify.

One programmatic concern for Modest Means is the amount of time it takes for the Office Coordinator to make referral assignments. Incoming applications and attorney assignments were tracked using google sheets. Every data point had to be manually transferred, assigned, then info sent out to both attorney and applicant through mail merged emails. The ATJ office licensed a database system called Airtable and the committee has decided to implement it to automate part of the process in order to save time. Airtable will begin to be utilized before the end of 12-2023. Airtable will automate the information from the applicant and will help sort attorneys by legal practice. The Office Coordinator will still be the deciding factor on which attorney will be referred to which applicant.

For a referral to lead to an attorney taking the case, the applicant must make their case as appealing as possible. The committee has decided to create a packet instructing a participant on the basics of hiring an attorney. This will give them an idea of what a retainer means, how to communicate with an attorney, and what facts will catch an attorney's eye when reviewing their case. The packet is being edited and should be used by the start of the new year.

A huge concern within the committee is the lack of attorneys signing up to participate in the Modest Means Program and offer reduced-rate services. This is leading to frustration from attorneys for being contacted too many times, so they then ask to be removed. It also frustrates applicants who pay money, and then cannot get an attorney to answer the phone. A solution to this may be that attorneys are being asked to reduce their rates too much, essentially making the cases equivalent to a full pro bono case. The committee has voted to allow attorneys to set their own reduced rate, if it is at least a 50% reduction for individuals making between 125% to 200% above the poverty line or at least a 40% reduction for individuals making between 201% to 300% above the poverty line. This will ensure that the Bar stays out of the business of setting attorney rates. It will also allow less experienced attorneys to lower their rates further to attract business, while more experienced attorneys can have more flexibility on what they charge. This will also help the applicants have more negotiating power as they can explain their situation to the attorney and see if further reduction is possible. The committee has voted to move forward with this proposal and is currently waiting on approval from the Bar commission.