

**PROPOSED RULES OF THE  
WYOMING STATE BAR MODEST MEANS PROGRAM  
(April 2017)**

**Rule 1. Purpose.**

The purpose of the Wyoming State Bar Modest Means Program is to provide low-cost legal assistance to individuals who do not qualify for free legal services.

**Rule 2. Definitions.**

- (a) “State Bar” means the Wyoming State Bar.
- (b) “Committee” means the Wyoming State Bar Lawyer Referral Service Committee.
- (c) “Client” means a qualified person seeking a referral for low-cost legal services.
- (d) “MMP” means the Wyoming State Bar Modest Means Program.
- (e) “Member” means an attorney registered with the MMP, unless otherwise designated.
- (f) “President” means the President of the Wyoming State Bar.
- (g) “Coordinator” means the MMP Coordinator, an employee of the Wyoming State Bar.

**Rule 3. Committee.**

- (a) Oversight for the MMP shall be provided by the Lawyer Referral Service Committee, whose members shall be the Executive Committee of the Wyoming State Bar.
- (b) The President shall serve as Chair of the Committee. The Coordinator will serve as the Executive Secretary to the Committee.
- (c) The Committee has general supervisory authority over the administration of these rules.
- (d) The Committee will meet at such times as designated by the Chair or the Coordinator.
- (e) A majority of the Committee shall constitute a quorum to carry out business.

**Rule 4. Client Eligibility Criteria.**

To be eligible for MMP legal assistance, clients must meet the following eligibility criteria:

- (a) Income criteria for the MMP shall be determined by the Committee, subject to adjustment from time to time as the Committee deems appropriate.
- (b) A liquid asset ceiling shall be determined by the Committee, subject to adjustment from time to time as the Committee deems appropriate. “Liquid assets” are cash, cash equivalents and investments.
- (c) Household size: Financial eligibility determinations are based on household size. All residents are members of the household, and their incomes are included if they pool their resources with other residents and function together as an economic unit.
- (d) The Coordinator may require clients to update their applications at appropriate intervals.
- (e) Eligible clients are responsible for paying all attorney fees and out-of-pocket costs, including filing fees, associated with the representation.

## **Rule 5. Membership in the MMP.**

There is no membership fee for the MMP. To be eligible for membership in the MMP, an attorney must:

- (a) be an active member in good standing of the State Bar, including a member whose disciplinary suspension has been stayed pending a probationary term;
- (b) agree to indemnify and hold harmless, the State Bar, its officers, members, agents, or employees from any and all claims, expenses, attorney fees and costs, liability or loss arising from or incurred through any negligence or intentional conduct of the attorney which causes damage, real or alleged, to anyone referred to an attorney by the MMP. In addition, the attorney agrees to waive any and all claims against the State Bar, its officers, members, agents, or employees for any and all claims, expenses, attorney fees and costs, liability or loss arising from the operation and policies of the MMP including, but not limited to, referral or non-referral of a person or client, denial or termination of membership in the MMP, and provision of information about the attorney to any person or client;
- (c) abide by all rules of the MMP; and
- (d) certify that the attorney is competent by virtue of experience and/or education in the fields of law designated by the registrant on the registration form.

## **Rule 6. Terms of MMP Representation.**

Members agree:

- (a) not to charge clients referred through the MMP more than a maximum hourly rate as shall be determined by the Committee, subject to adjustment from time to time as the Committee deems appropriate;
- (b) not to charge the client more than a maximum advance payment as shall be determined by the Committee, subject to adjustment from time to time as the Committee deems appropriate;
- (c) to enter into a written engagement agreement signed by the client which includes a clear description of the scope of the representation, the basis or rate of the fee and expenses for which the client will be responsible, and a statement of the availability of fee arbitration pursuant to the Wyoming Rules of Fee Arbitration; and
- (d) to provide the client with monthly invoices itemizing fees and costs incurred.

## **Rule 7. MMP Procedures.**

- (a) The Coordinator will review all client applications and notify the client whether the client meets MMP eligibility criteria.
- (b) Once a client has been determined to be eligible, the Coordinator will attempt to match the client with a Member as near to the client's location as possible.
- (c) The matched Member may verify all income and asset information relating to the client.
- (d) The matched Member shall offer an initial consultation with the client before deciding whether to undertake the representation.
- (e) The Member will notify the Coordinator of the Member's decision to undertake or decline the representation.

(f) If representation is declined, the Coordinator may, but is not obligated to, attempt to match the client with a different Member.

#### **Rule 8. Fields of Law.**

The Coordinator will establish a listing of fields of law for the MMP. The Coordinator may add or delete fields of law at the Coordinator's discretion. On the application form, Members will select fields of law for which they wish to receive referrals.

#### **Rule 9. Immunity.**

The State Bar, its Officers and Commissioners, employees, and agents shall be immune from suit for all conduct in the course of their official duties in furtherance of these Rules.

#### **Rule 10. Termination of Membership.**

The Committee may terminate membership in the MMP for good cause. Good cause for termination of a Member includes but is not limited to:

- (a) violating or failing to meet the requirements of these rules or the terms of the application for membership form;
- (b) failure to handle referred cases with reasonable professional competence and diligence; or
- (c) misrepresentation of any material statement in the application for membership or in any other required form.

#### **Rule 11. Withdrawal.**

Any Member may withdraw from the MMP at any time by providing the Coordinator with written notice. The withdrawing Member shall not thereby be relieved of the duty to represent any person previously referred by the MMP with whom the Member established an attorney-client relationship.

#### **Rule 12. Records and Reports.**

- (a) A record of all Members of the MMP will be maintained by the Coordinator. The Coordinator will keep all records required by the Committee.
- (b) The Coordinator will make reports to the Committee at the request of the Chair of the Committee.

#### **Rule 13. Citation of These Rules.**

These Rules shall be cited as the Rules of the Wyoming State Bar Modest Means Program.