

CLIENT ELIGIBILITY GUIDELINES FOR
NCLC REPRESENTATION

This policy is written for the purpose of explaining the client eligibility guidelines of the National Consumer Law Center (“NCLC”).

I. Scope

These guidelines are applicable to determine the eligibility of clients requesting legal assistance through NCLC on and after January 31, 2017. The guidelines may be reviewed and revised prospectively from time to time as it becomes necessary and appropriate.

II. Definitions

“Income” means actual current annual total cash receipts before taxes of all persons who are resident members of, and contribute to, the support of the family unit. However, income of other resident members of a family unit shall only be counted to the extent of that resident’s actual cash contribution, unless the individual applicant has direct power and authority over and the right to the income of said other resident, or said other resident has the legal obligation to provide support for the individual requesting assistance.

“Liquid assets” are those which can readily and promptly be converted to cash in the possession of the individual seeking legal assistance prior to the time that individual needs legal assistance. Net liquid assets, after subtracting all expenses of conversion, including applicable taxes, are those to be considered.

“Maximum income level” shall be two-hundred percent (200%) of the most current official Federal Poverty Income Guidelines (“FPIG”). (See Schedule A, attached hereto.)

“Nonliquid assets” are all assets other than liquid assets.

“Total cash receipts” include money wages and salaries before any deduction, but do not include food or rent in lieu of wages; income from self-employment after deductions for business or farm expenses; regular payments from public assistance, Social Security, unemployment and worker’s compensation; strike benefits from union funds; veterans benefits; training stipends; alimony, child support from an absent family member or someone not living in the household; public or private employee pensions, and regular insurance or annuity payments; and income from dividends, interests, rents, royalties or from estates and trusts. They do not include money withdrawn from a bank, tax refunds, gifts, compensation and/or one-time insurance payments for injuries sustained, and non-cash benefits.

III. Eligibility Determination

A. Individuals

A person may be determined eligible for assistance so long as he/she meets the guidelines set forth below. However, NCLC shall not be obligated to provide legal assistance to a person who meets these guidelines if NCLC determines that representation is inappropriate for other valid reasons.

1. Income

A person may be deemed eligible if his/her income does not exceed the maximum income level; provided, however, NCLC may consider other relevant factors, which are set forth below, before determining whether a person is eligible for legal assistance:

- (i) Current income prospects, taking into account seasonal variations in income;
- (ii) Medical expenses;
- (iii) Fixed debts and obligations, including unpaid Federal, State or Local taxes from prior years;
- (iv) Child care, transportation, and other expenses necessary for employment;
- (v) Expenses associated with age or physical infirmity of resident family members;
- (vi) The existence of assets, both liquid and nonliquid, which are available to the applicant (excluding equity in an individual's principal place of residence, an individual's first car, personal and household effects, trusts from household funds for education and medical expenses, the value of farmland essential to employment or self-employment, work-related equipment essential to employment or self-employment, assets excluded under the Food Stamps, AFDC and SSI programs, and any other property which is exempt from seizure under applicable state or federal law); and
- (vii) Other significant factors related to financial inability to afford legal assistance, which may include evidence of a prior administrative or judicial determination that the person's present lack of income results from refusal or unwillingness, without good cause, to seek or accept suitable employment.

2. Age

A person may be determined eligible for assistance without consideration of the maximum income level if he or she is sixty (60) years of age or older.

B. Groups

NCLC may provide legal assistance to a group, corporation or association if the group, corporation or association is primarily composed of persons eligible for legal assistance under these guidelines and lacks, and has no practical means of obtaining, funds to retain private counsel. Alternatively, NCLC may provide legal assistance to a group, corporation or association if the consumer issues presented by the matter are important to, or will have an impact upon, persons otherwise eligible for legal assistance under these guidelines.

C. Classes

NCLC may, as appropriate, bring a case as a class action. It often will be impossible to determine or require that every member of the class be individually eligible for representation pursuant to the guidelines set forth above. Therefore, NCLC may proceed with co-counsel as long as at least one putative class representative meets the criteria of said guidelines.

IV. Procedure For Determining Eligibility

Every case file for matters accepted by NCLC for representation shall include a written statement indicating that it has been verified that the client is eligible for assistance under these guidelines. The statement may be prepared by NCLC staff, the client or co-counsel representing the client. Information furnished to NCLC by a person to establish financial eligibility shall not be disclosed to any person who is not employed by NCLC in a manner that permits identification of the client, without the express written consent of the client.

V. Retainer Agreement

NCLC staff shall execute a written retainer agreement with each client who receives legal services from the Center. If possible, the retainer agreement shall be executed when representation commences. If it is not possible to execute a written retainer agreement at the time representation commences because of an emergency situation, the retainer agreement shall be executed as soon thereafter as is practicable. The retainer agreement shall clearly identify the relationship between the client and the recipient, the matter in which representation is sought, the nature of the legal services to be provided, and the rights and responsibilities of the client and the attorney. The agreement shall be retained as part of the client file.

A retainer agreement is not required when the only service to be provided is brief advice and consultation.

VI. Change in circumstances

If an eligible client becomes ineligible through a change in the client's circumstances, NCLC may consider, consistent with the professional responsibilities of the attorney(s) representing the client, discontinuing its provision of legal services to the client.

Effective January 31, 2019

SCHEDULE A

NCLC CLIENT INCOME ELIGIBILITY GUIDELINES

200% OF OFFICIAL POVERTY GUIDELINES*

SIZE OF FAMILY UNIT	YEARLY	MONTHLY	WEEKLY
1	\$24,980	\$2082	\$480
2	\$33,820	\$2818	\$650
3	\$42,660	\$3555	\$820
4	\$51,500	\$4292	\$990
5	\$60,340	\$5028	\$1160
6	\$69,180	\$5765	\$1330
7	\$78,020	\$6502	\$1500
8	\$86,860	\$7238	\$1670

For family units with more than 8 members, add \$8840/year, \$737/month, or \$170/week for each additional person.

*For the 48 Contiguous States and the District of Columbia. Separate Guidelines are applicable in Alaska and Hawaii.