



Legal Services of Southern Piedmont

## **Phase Two Client Fee Policy Additional Fees for Legal Assistance**

**Adopted October 15, 2013**

Where the initial screening indicates that LSSP should provide legal assistance beyond advice and brief service, in addition to the initial fee, the standard fee may include a contingent fee, a scheduled fee, a fee paid by a third party, or a similar type of fee in any case where such a fee is appropriate.

The funding LSSP receives to support the Legal Services for the Elderly Program and the Low Income Taxpayer Clinic do not permit fees to be charged. Commitments made in funding applications are not consistent with charging of fees in foreclosure prevention and Veterans Administration disability cases.

In this first stage of imposing additional fees, contingent fees will be charged in Social Security and Supplemental Security Income Disability cases and scheduled fees will be charged in immigration law cases, according the following procedures.

### ***I. Contingent fees in Social Security and Supplemental Security Income Disability cases.***

- A. Contingent Fee. LSSP will charge a contingent fee in the amount of 25% of retroactive benefits awarded or the amount permitted by the Social Security Administration (currently \$6,000), whichever is less, obtained in the representation in Social Security and SSI cases, consistent with regulations of the Social Security Administration regulating such fees.
- B. Referral of Fee Generating Cases. LSSP will continue to accept only those cases in which the anticipated retroactive benefit is not sufficient to make the case attractive to a private representative to provide assistance on the basis of a contingent fee, and will continue to refer cases in which the anticipated retroactive benefit is sufficient to a private attorney.
- C. Reduction and Waiver of Contingent Fees. If the payment of the fee would create an undue hardship for the client or the client's family, the program director may approve reduction of the fee to a nominal fee or the waiver of any fee. The reason for reduction or waiver of a contingent fee should be recorded in the file.
- D. Payment of Contingent Fees. For each client for whom a contingent fee is agreed upon, the amount of the fee shall be established in the retainer agreement prior to beginning representation, and shall be submitted to the Social Security Administration for approval in accordance with agency procedure so that the fee is paid directly to LSSP at the conclusion of the case.

## II. *Scheduled fees in Immigration Law Cases*

A. Scheduled Fee. LSSP will charge fees in immigration law cases according to a schedule adopted by the Executive Director consistent with the following criteria:

1. No fee shall be charged in cases involving protection from domestic violence or other cases involving physical safety of a client or child.
2. The fee shall be in proportion to the average amount of staff time required for each category of immigration law assistance, but shall not exceed \$500 for any case.

B. Payment of Scheduled Fees. Any scheduled fee may be reduced or waived under the following circumstances, either in response to a client request or upon the initiative of the advocate, and either at the beginning of representation or if the client's circumstances change during the course of representation.

1. For each client for whom a scheduled fee is set, the client should be asked to pay the fee at the commencement of representation, or in installments at specified times during the representation.
2. A receipt signed by the advocate who accepts the payment shall be provided to the client at the time of each payment.
3. If the client has not paid the full fee by the conclusion of the case, a first letter requesting payment shall be sent to the client 30 to 60 days after the conclusion of the case and a second letter requesting payment shall be sent to the client 90 to 120 days later.
4. If no payment is received within 180 days after the case is closed, the balance due should be written off and no further collection attempted, although further representation may be conditioned on payment of the fee.

C. Reduction and Waiver of Scheduled Fees. Any scheduled fee may be reduced or waived under the following circumstances, either in response to a client request or upon the initiative of the advocate, and either at the beginning of representation or if the client's circumstances change during the course of representation.

1. If the client is unable to pay any or the entire fee at the commencement of the case, the advocate handling the case may establish a schedule for installment payments, and should remind the client when installment payments are due.
2. If the payment of the scheduled fee would be an extraordinary hardship for the client or the client's family, the advocate making the case acceptance decision may reduce the fee by half at his or her discretion, or the program director may approve reduction of the fee to a nominal fee or the waiver of any fee.
3. The reason for reduction or waiver of a scheduled fee should be recorded in the file.