



# DISABILITIES RIGHTS CENTER, Inc.

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## I. CLIENT FEES POLICIES AND RATES

A. As follows, the DRC charges fees for limited and full representation based upon ability to pay:

<u>Annual Gross Income</u>	<u>Hourly Rate</u>	<u>Maximum Fee</u>	<u>Initial Fee<sup>1</sup></u>
\$0 - \$26,950	\$0	\$0	\$0
\$26,951 - \$45,650	\$40.00	10% of gross annual income	\$1000.00
\$45,651 - \$64,350	\$60.00	12% of gross annual income	\$2,000.00
\$64,351 - \$74,550	\$85.00	15% of gross annual income	\$3,000.00
\$74,551 & over	\$110.00	20% of gross annual income	\$4,000.00

B. Fees will not be charged for time spent in the initial interview or to investigate whether you have a legal claim warranting representation.

C. The above income figures are for a single person. For families, subtract \$9,000 from your family's gross income for each member over 1. For example, a family of three with gross income of \$44,000 or less would not have to pay a fee because the family's income for fee purposes would be \$26,000 (\$44,000 less \$18,000=\$26,000).

D. The DRC also considers extraordinary circumstances in setting the fee. Please discuss any factor that you believe ought to be considered with the Legal Director. In addition, out-of-pocket medical and other expenses related to the client's disability over \$2,000 annually would be deducted from gross income. For example, for a person with \$3,000 of annual medical expenses, the DRC would subtract \$1,000 from gross income. Thus, in this example, a single person with gross income of \$27,500 and \$3,000 of medical expenses, would be considered by the DRC to have income of \$26,500 (\$27,500 less \$1,000) and would not have to pay a fee.

E. In most cases, the DRC requests an initial payment when you agree to hire a DRC attorney for your case. This payment will be applied toward the total fee. Any amount not used will be returned to you. If you cannot make an initial payment, please discuss this with the staff Attorney. We will work with you to make arrangements that meet your financial needs.

<sup>1</sup> For Limited Representation cases initial fee will be based upon an estimate of the hours necessary for the initial phase of the representation approved by the Legal Director.

Orig 11/92  
Rev. 03/05  
Rev. 11/06

F. In some cases, the law requires a public agency to pay some or all of your attorney's fees if you win your case. If attorney's fees are recovered, the DRC will use those fees to reduce or meet your obligation under the fee agreement. Money you have paid which is covered by this fee award will be returned to you.

G. In cases involving a monetary damage award or where the public agency may pay some or all of your attorney's fees if you win your case, the DRC may handle the case on a contingent fee basis. Whether DRC will handle the case on contingent fee basis will depend on the likelihood of recovering fees and the nature of the action.

## **II. ATTORNEY FEE PROCEDURES**

A. A copy of the Attorney Fee Policy and Rates contained in Section I above, shall be provided to every individual that initiates the intake process.

B. A Retainer Agreement, signed by the DRC Attorney, the Legal Director, and the client will be completed in every case involving limited and full representation, regardless of whether a fee is actually going to be paid by the client. In general, before a case is open, a Retainer Agreement, on a form approved by the Legal Director, must be signed by the client and placed in the client file. The Retainer Agreement shall address, at a minimum, the scope of representation, a provision regarding the payment of costs associated with the litigation, and the amount of a fee being charged, if any. In limited representation cases, a Consent to Limited Representation form must also be signed by the client, Attorney, and Legal Director.

C. A copy of the fee agreement, and Consent to Limited Representation where applicable shall be provided to the client, the Staff Accountant, and the Legal Director.

**III.** In the event that work commences on a case before the client has an opportunity to sign the fee agreement, a fee agreement should be completed no later than one week after the work is commenced.

The following is the procedure for completing a Retainer Agreement:

A. The attorney and the client should first reach an understanding regarding the scope of representation to be described in the fee agreement.

B. Once there is an understanding regarding the scope of representation, the attorney should then go over the fee policy with the client and reach an agreement regarding the hourly rate, maximum fee and initial fee using the fee policy and schedule below.

C. Deviations from the fee policy must be approved by the Legal Director, or if the Legal Director is unavailable, by the Executive Director.

D. Once a fee is agreed upon, the fee agreement will be finalized and the client (the staff attorney and legal Director) will sign the agreement.

Orig 11/92  
Rev. 03/05  
Rev. 11/06

E. The following steps must be followed when billing a client, a court, or an opposing party or negotiating regarding a fee amount:

1. The Legal Director, or if the Legal Director is unavailable, the Executive Director shall be consulted ~~with~~ in fee negotiations and must approve any negotiated fee amount.

2. Whether the bill or a fee statement is being sent to the client, to the court in a case in which we have been court appointed, or to a party or court in a fee-shifting case, a copy should be placed in the client file and given to the Staff Accountant and the Legal Director.

3. When billing clients, the attorney will review and prepare his or her time records to determine billable hours and prepare a cover letter, if needed, using the Billing Layout Form on the DRC Client Database.

4. The actual bill (along with the final time records and cover letter, if any) should be sent by the Staff Accountant.

5. When billing the court in a court appointed case, the attorney should prepare the statement for the court.

6. In cases where there has been a court order or settlement on fees in a fee shifting case, the Staff Accountant will bill the party. The staff attorney must provide the Staff Accountant and the Legal Director with a copy of the court order or settlement establishing the right to fees.

7. In any case where we have filed a motion to establish our entitlement to fees or to exceed a generally allowable limit, the Legal Director shall be provided with a copy of the motion. When the court acts on the motion, a copy of the order shall be provided to the Legal Director as well.

8. When fees are received at the DRC, they shall be forwarded directly to the Staff Accountant. The Legal Director must be provided with documentation of the fees received.

Orig 11/92  
Rev. 03/05  
Rev. 11/06