

DRC DISABILITY RIGHTS CENTER - NH

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Note: Client fees for limited and full representation on issues involving special education and COVID-19 will be waived from October 13, 2020 through December 31, 2022. This is due to the generosity of the following supporters: New Hampshire Charitable Foundation; Endowment for Health; New Hampshire Nonprofit Emergency Relief Fund; Granite United Way: North Country Region, Northern NH Region, Southern Region and Upper Valley Region; and individual donors.

I. CLIENT FEES POLICIES AND RATES

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

<u>Annual Gross Income*</u>	<u>Hourly Rate</u>	<u>Fee Cap Per Case Per Year (% Gross Annual Income)</u>	<u>Initial Retainer</u>
\$0 - \$50,000	\$0	\$0	\$0
\$50,001 - \$75,000	\$50.00	10%	Up to \$1000
\$75,001 - \$125,000	\$100.00	12%	Up to \$2000
\$125,000 – \$200,00	\$150.00	15%	Up to \$3000
\$200,001 & over	\$200.00	20%	Up to \$4000

*As otherwise modified by D and E below.

B. This policy will be reviewed, and updated as needed, at minimum once every 5 years.

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

D. The above income figures are for a single client. For families (spouse/partner and/or dependent), subtract \$6,000 from your family's gross income for each member over 1. For example, a family of three with gross income of \$62,000 or less would not have to pay a fee because the family's income for fee purposes would be \$50,000 (\$62,000 less \$12,000=\$50,000).

E. The DRC-NH also considers compelling circumstances in setting the fee. Please discuss any factor that you believe ought to be considered with the Litigation 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-NH would subtract \$1,000 from gross income. Thus, in this example, a single person with gross income of \$50,900 and \$3,000 of medical expenses, would be considered by the DRC-NH to have income of \$49,900 (\$50,900 less \$1,000) and would not have to pay a fee. DRC-NH may request information to verify compelling circumstances.

F. 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 Litigation Director or Managing Attorney.

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

H. 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-NH will use those fees to reduce or meet your obligation under the Representation Letter. Money you have paid which is covered by this fee award will be returned to you and any excess will be retained by DRC-NH.

I. 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-NH may handle the case on a contingent fee basis. Whether DRC-NH will handle the case on contingent fee basis will depend on the likelihood of recovering fees and the nature of the action. Any contingent fee will be negotiated with the client on a case by case basis.

II. ATTORNEY FEE PROCEDURES

A. A copy of the Attorney Fee Policy and Rates contained in Section I above, shall be provided to every client who signs a Representation Letter who is subject to fees.

B. A Representation Letter, signed by the DRC-NH Attorney, the Litigation Director or Managing Attorney, 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 Representation Letter must be signed by the client and placed in the client file. The Representation Letter 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.

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

The following is the procedure for completing a Representation Letter:

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

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- 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 above.
- C. Deviations from the fee policy must be approved by the Litigation Director, or if the Litigation Director is unavailable, by the Executive Director.
- D. Once a fee is agreed upon, the Representation Letter will be finalized and the client, the attorney and Litigation Director/Managing Attorney will sign the letter.
- 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 Litigation Director, or if the Litigation Director is unavailable, the Executive Director shall be consulted 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 Fiscal Director and the Litigation 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
 4. The actual bill (along with the final time records and cover letter, if any) should be sent by the Fiscal Director.
 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 Fiscal Director will bill the party. The attorney must provide the Fiscal Director and the Litigation 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 Litigation 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 Litigation Director as well.

8. When fees are received at the DRC-NH, they shall be forwarded directly to the Fiscal Director. The Litigation Director must be provided with documentation of the fees received.

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