

It is the policy of the ALRP to provide free and low cost legal services to people with HIV/AIDS, taking into consideration the economic needs of the client so that no one is denied services due to inability to pay, and recognizing the severe financial impact of a life-threatening medical condition. The ALRP encourages those attorneys who are able to accept lower fees than are published in this Fee Protocol to do so. ALRP attorneys therefore agree to abide by the following Fee Protocol:

## Part I: Fees

### A. Fee Schedule

An ALRP attorney shall provide **free of charge** an initial hour of legal consultation and advice to all clients without exception referred through the ALRP. All fees chargeable under this Fee Protocol begin with the second hour of assistance.

The client's and domestic partner's gross annual income includes income from all sources, including investment and rental income.

Client's Gross Annual Income	Hourly Rate*
\$0 - \$20,000	0
\$20,001 - \$25,000	50
\$25,001 - \$30,000	80
\$30,001 - \$35,000	110
\$35,001 - \$40,000	120
\$40,001 - \$45,000	140
\$45,001 - \$50,000	155
\$50,001 - \$55,000	170
\$55,001 - \$60,000	185
\$60,001 - \$75,000	200
\$75,001 - up	250

\*For each dependent, reduce fees by one level.

### B. Exceptions to Fee Schedule

#### 1. Simple Wills

An ALRP attorney shall provide the following services **at no charge** for clients referred through the ALRP, irrespective of the client's ability to pay or the value of his/her assets: **simple wills, durable powers of attorney, advance health care directive (AHCD), and declarations to physicians.** In this regard, simple wills are defined as those wills that contain no trust language, contain fewer than 15 bequests, and that, standing alone, constitute the only legal services provided by this attorney to accomplish all the estate planning work needed by the client.

#### 2. Government Benefits

An ALRP attorney **may collect fees** from a county welfare department or a long term disability insurance carrier, when applicable. If these payment sources are not available, an ALRP attorney may treat the amount of the retroactive award as income and charge an appropriate hourly fee where permitted by the sliding scale provided below. In no instance, however, shall total hourly fees charged exceed 25% of the total award of retroactive benefits.

#### 3. Statutory and Contingency Fee

An ALRP attorney is entitled to receive all statutory probate fees and extraordinary fees approved by the court.

Fees for cases involving **contingency fee agreements** may be recovered as a percentage of the settlement or judgment recovered on behalf of the client. In no such case shall the attorney's percentage exceed 1/3 of the settlement after costs, or 40% of any monetary recovery or judgment after trial or arbitration has commenced.

#### 4. Viatical Settlements

If a client receives a viatical settlement or accelerated benefit due to negotiation or other assistance carried out by an ALRP attorney, the attorney **may treat the amount of the disbursement as income** and charge an appropriate hourly fee where permitted by the sliding scale provided above. In no instance, however, shall total hourly fees charged exceed 1/3 of the total disbursement.

#### 5. Trusts

If an ALRP attorney drafts a trust, including a special needs trust, for an ALRP client, the attorney **may negotiate a fee arrangement** with the client, not to exceed the rate of \$250 per hour. This rule applies regardless of the client's income level.

#### 6. Value Of Assets

For all matters not included above, if the value of a client's assets exceeds \$50,000 (not including the value of a primary residential unit, one vehicle, and tangible personal property in one's own home), the ALRP attorney **may negotiate a fee arrangement** with the client, not to exceed the rate of \$250 per hour. This rule applies regardless of the client's income level.

## Part II: Tithing

An ALRP attorney is required to contribute ten percent (10%) of all fees earned through direct ALRP referrals to the AIDS Legal Referral Panel of the San Francisco Bay Area. Tithing shall be paid within ten days of receiving the fee.

## Part III: Attorney-Client Fee Agreements

In cases where a fee is permitted under this Fee Protocol, attorney-client fee agreements shall be executed in writing and signed by the attorney and the client, with a copy given to the client, prior to the provision of services. The terms of the agreement shall be consistent with this Fee Protocol.



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## Resources Available for ALRP Volunteers

- **Malpractice insurance** coverage for all cases referred by the Panel
- **AIDSLAW MANUAL:** Providing Legal Services to Persons with HIV Infection
- **Informational brochures** in several areas of substantive law (*also available in Spanish*)
- **Legal trainings**  
MCLE trainings are provided free of charge to Panel Attorneys who accept at least two ALRP referrals
- **Mentor program**  
Assistance on specific cases from ALRP staff
- **Notaries**  
Available in-house and in your neighborhood

Questions? Call (415) 701-1100



AIDS Legal Referral Panel  
of the San Francisco Bay Area

*The Legal Community's Caring Response to HIV/AIDS*

## Fee Protocol

I: Fees

II: Tithing

III: Attorney-Client Fee Agreements

This brochure contains new rules and fee schedule as of 2002. Please keep available for use with all ALRP clients.

*Effective 2002*