



Fee Protocol

It is the policy of 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 even for those clients with greater means than others. All clients are entitled to these free and low-cost services regardless of the value of their assets. ALRP encourages those attorneys who are able to accept lower fees than are published in this Fee Protocol to do so. Panel Attorneys therefore agree to abide by the following Fee Protocol.

Part I: Fees

A. Fee Schedule

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

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

Client's Gross Annual Income	Maximum Hourly Rate*
\$0 - \$30,000	\$0
\$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

A Panel Attorney shall provide the following services **at no charge** for clients referred through 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 directives (AHCD), and declarations to physicians.** In this regard, simple wills are defined as those wills that contain no trust language, contain no real property, contain fewer than 15 bequests, and that, standing alone, constitute the only legal services provided by this attorney to accomplish the estate planning work needed by the client at that time.

2. Government Benefits

A Panel 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, a Panel Attorney may treat the amount of the retroactive award 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 25% of the award of retroactive benefits.

3. Statutory and Contingency Fee

A Panel Attorney may collect any 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 Panel 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 a Panel 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 a Panel Attorney drafts a trust, including a special needs trust, for an ALRP client, the attorney **may negotiate a fee arrangement** with the client and charge an appropriate hourly fee where permitted by the sliding scale provided above, not to exceed the rate of \$250 per hour, or \$5,000 in total.

6. Bankruptcy

For all Chapter 7 bankruptcy filings, Panel Attorneys may charge a flat fee of up to \$500. For Chapter 13 filings, Panel Attorneys may charge up to the full amount allowed in the guidelines established by the court.

7. 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 the client's own home), the Panel 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

A Panel 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 Panel Attorney and the client, with a copy given to the client, prior to the commencement of services. The terms of the agreement shall be consistent with this Fee Protocol.

Resources Available for Panel Attorneys

- **Malpractice insurance** | Professional liability coverage for all cases referred by ALRP
- **Legal trainings** | MCLE trainings are provided free of charge to Panel Attorneys who accept at least two ALRP referrals in a 12-month period
- **Mentor program** | Assistance on specific cases from experienced ALRP Panel Attorneys
- **Notaries** | Available in-house and in your neighborhood, free of charge for ALRP clients

Questions?

Contact Pro Bono and Development Manager Claire Clayton [at clairec@alrp.org](mailto:clairec@alrp.org) (415) 701-1200 x321.

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