


PMPR Working Group #7:


# CHARGING APPROPRIATE FEES AND MAKING APPROPRIATE DISBURSEMENTS

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# OUR PROCESS

- ▶ Group members already involved with issues through OARC, ARC and Standing Rules Committee
  - ▶ Reviewed problem areas based on frequency of issues arising in requests for investigation
  - ▶ Reviewed tools concurrently being considered by OARC, ARC and Standing Rules Committee to improve documentation used by counsel.
  - ▶ Creation of a checklist of suggested fee agreement provisions
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# GOALS OF GROUP

- ▶ Reduce instances of complaints based on insufficient documentation of fees beyond simple statement of base and rate of fee
  - ▶ Provide counsel examples of fee agreement provisions to address common problem areas
  - ▶ Communicate the need to document fixed fee agreements in greater detail than often occurs
  - ▶ Develop and implement methods to disseminate checklist
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# FEE AGREEMENTS:

## SOME EXAMPLES OF HEADINGS OF SECTIONS OF SUGGESTED PROVISIONS CHECKLIST

Client Identification

Not Providing Promises,  
Guarantees And Outcomes

New Agreement Even If There  
Was Prior Representation

Circumstance That Could  
Result In Withdrawal

Adequate Description Of Scope  
And Fees

Rights to Terminate Agreement

How Retainer Is Held

Ability to Disclose Confidential Information

How Flat Fees Are Earned

How Costs And Expenses Are Dealt With

Client Expectations

File Ownership And Retention

Communication Management

Defining Who Works On Case And Coverage  
And How They Are Compensated

Dispute Resolution Alternatives

# DISSEMINATION PLAN

- ▶ Colorado Lawyer article including checklist.
  - ▶ Email/e-newsletter from OARC
  - ▶ CBA website
  - ▶ Specialty and Regional Bar Association newsletters / websites / list serves / email blasts
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