

Lastly, there are times where the government forbids us from using Fee Agreements. Fee Agreements are forbidden on cases where there are no back-due benefits since that would result in a fee of 25 percent (25%) of nothing. Fee Agreements are also forbidden when you hire more than one representative to work on your case. For example, we are often asked to take over cases started by other representatives. Under those circumstances, we have to use a Fee Petition because Social Security says we cannot use a Fee Agreement. Similarly, our retainer says that if we are relieved, we are allowed to charge a fee subject to approval by the Social Security Administration. When that happens, we charge on a quantum meruit basis, which basically reflects how much our time and effort was worth. In those cases, as in every other case, the government must approve the fee.

Clients are sometimes intimidated by a discussion of fees, especially when they are already having financial problems. But we feel that it's important to be absolutely clear about what you can expect to pay. And it is very important to remember that we are paid only when we win your case for you. The fact that we have accepted your case means we expect to win. We are paid nothing until we do. And once our fee is paid when we win, you keep all the money in your future payments.

We hope you will take confidence in our uniquely successful record. We listen to you and we get results. That's how we have become America's Most Successful Social Security Disability Advocates.

If, after reading this pamphlet, you still have any questions about our fees, please call us. We'll be more than glad to give your questions thorough and accurate answers.

Charles E. Binder



AMERICA'S MOST SUCCESSFUL
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HARRY J. BINDER & CHARLES E. BINDER

OUR FEES

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HERE'S HOW WE GET PAID

FOR WINNING YOUR SOCIAL SECURITY DISABILITY (SSD) BENEFITS FOR YOU:

We are paid only when we win your case for you. Until we win for you, we don't get paid. Our fee almost always comes from your back-due benefits. The Social Security Administration (SSA) is required by law to withhold 25 percent (25%) of your back-due benefits to pay us. After we win your case for you, the monthly checks are all yours – we don't receive any further payments from your future benefits.

The Social Security Administration gives us a choice of two payment systems. These two separate payment systems are called the Fee Agreement and the Fee Petition. Under your retainer agreement with us, we use whichever system is more appropriate for your particular case. Let me explain both of these systems:

FEE AGREEMENT:

The Fee Agreement was established by an act of Congress. It states that we are paid nothing until we win your case for you. When we win your case, our fee will usually be 25 percent (25%) of the back-due benefits, including your family benefits, subject to a maximum fee. Currently, that maximum fee is \$6,000 but that fee is set by the Commissioner. The Commissioner may change the fee rate at any time, and if that happens, our fee will be whatever maximum fee the Commissioner has set at the time you win.

Let me show you how this works. If the back-due benefits awarded to you and your family total \$16,000, our fee would be 25 percent (25%) of \$16,000, or \$4,000. However, if the back-due benefits awarded to you or your family were to total \$30,000, our fee would only be \$6,000; that is less than 25 percent (25%) because that is the capped fee set currently by the commissioner.

One client recently asked if his back due benefits award was only \$3,000, would we be paid the entire amount. The answer is, no... of course not. We would be paid 25 percent (25%) of \$3,000, or \$750.

We routinely use a Fee Agreement for the initial application stage, the reconsideration stage and the administrative hearing stage if there is only one hearing. Each Fee Agreement must be approved individually by the Administrative Law Judge or another Social Security official. In approximately 90 percent of the cases, we use a Fee Agreement.

FEE PETITION:

A Fee Petition is required for more complicated cases. We submit a Fee Petition to the Social Security Administration listing the time we have spent and detailing the work we did to win your case. An Administrative Law Judge or some other Social Security official then sets our fee based on the amount of work required on your case.

A Fee Petition must be used where there is no back-due award. As some of you may remember, there is a five-month waiting period. Sometimes we win cases so quickly that you're not due money yet because we won for you within the first five months. Under those circumstances, there is no back-due money to cover our fee for winning your case.

There are other circumstances where there are no back-due benefits. These include all "overpayment" cases, all "Medicare only" and continuing disability review cases. Overpayment and Medicare cases are fairly rare but in neither one of them are there any cash benefits, so obviously we have to agree upon a fee prior to taking that case. We will agree upon a fee and then after we win the overpayment or we win your Medicare eligibility for you, we will do a Fee Petition for approval of that fee. Generally, in those cases, we would ask you for money to be placed in escrow pending the proceedings. In the unusual event that we are not successful, the money is returned to you without interest.

More commonly, we use a Fee Petition in cases involving more than one hearing. There might be multiple hearings because the case was denied by the Administrative Law Judge and then we successfully appealed to the Appeals Council. The Appeals Council may have remanded the matter back to the Administrative Law Judge. In those cases, because of the length of time we have spent on your case, we file a Fee Petition. In those remand cases, we will generally ask for 25 percent (25%) of the back-due benefits even if it is more than the rate in the Fee Agreement. This is because we have done so much more work to win your case than is generally necessary.

Since Fee Petitions are used in the more lengthy, complicated, non-routine cases, our payment in a Fee Petition case is not limited to the fee cap set by the Commissioner. Using the same example as before, if it was necessary to conduct multiple hearings before we won your case, the back due benefits might be \$30,000. We would then submit a Fee Petition for 25 percent (25%), which is \$7,500, to the Social Security Administration for approval. The government may approve or may set some other fee.