

Draft FEES language

(1) A [Paraprofessional] shall not make an agreement for, charge, or collect an unconscionable, illegal, unreasonable, or contingent fee.

(2) A [Paraprofessional] may make an agreement for, charge, or collect a flat fee for specified legal services. A flat fee is a fixed amount that constitutes complete payment for the performance of described services regardless of the amount of work ultimately involved, and which may be paid in whole or in part in advance of the [Paraprofessional] providing those services. Flat fees by [Paraprofessionals] are encouraged.

(3) A [Paraprofessional] may not charge a contingent fee.

(4) The purpose of the [Paraprofessional] license is to provide the public with a low-cost alternative to engaging a lawyer. A fee charged by a [Paraprofessional] shall be presumptively unreasonable if it is not less than the reasonable rate prevailing in the community for similar work by a lawyer. A [Paraprofessional] should consider this purpose and presumption when setting their fees. A factor to be considered in determining the prevailing rate for work by a lawyer is the fee schedule for court appointed conflict counsel for indigent defendants under Penal Code section 987.2 for misdemeanors and non-serious felonies, and for appointment in family law cases, in the local or a nearby jurisdiction.

(5) A [Paraprofessional] may not make an agreement for, charge, or collect a fee that is denominated as “earned on receipt” or “non-refundable,” or in similar terms.

(6) Unconscionability of a fee shall be determined on the same basis as for attorneys as set forth in Rule 1.5.