

Quick Guide to Legal Assistance

A cancer diagnosis can bring up a number of cancer-related legal issues, such as insurance, employment, housing, finances, and estate planning. Triage Cancer provides a number of resources to help people understand their rights and options that might be available in order to effectively navigate many of these topics without requiring legal representation. However, there may be situations where it is appropriate and necessary for people to hire an attorney to help them exercise or enforce their legal rights.

Finding Legal Assistance

One of the most common ways that people access legal assistance is through referrals from family, friends, and co-workers. Getting a recommendation from a trustworthy source can be a convenient way to find an attorney, but there are other options:



- **State and Local Bar Associations**

Most state and local bar associations have lawyer referral services, which can provide referrals to attorneys who practice in a specific area of the law and geographic location. Some services provide referrals to attorneys who provide an initial free consultation. Lawyer referral services are required to make arrangements to serve people with limited means. Furthermore, some of these programs provide discounted services to people who have been diagnosed with a serious medical condition. The American Bar Association has a list of Lawyer Referral Programs by state: americanbar.org/groups/lawyer_referral/resources/lawyer-referral-directory/

- **Legal Aid**

Civil legal aid is legal assistance for people living at or near poverty, for legal issues outside of the criminal justice system. Legal aid programs across the country vary in their services, but provide free or low-cost legal assistance in areas such as housing, consumer rights, family law, education, and employment. To view a list of organizations that have received grants to offer legal aid, visit: www.lsc.gov/grants-grantee-resources/our-grantees.

- **LawHelp.org**

LawHelp.org is also a useful resource to locate legal aid and public interest law offices, as well as to access basic information about legal rights, court forms, self-help information, court information, and links to social service agencies. For individuals who choose to represent themselves, www.LawHelpInteractive.org provides online legal forms.

- **Medical-Legal Partnerships**

Medical-legal partnerships are partnerships between lawyers or legal service organizations and health care organizations to improve patient access to legal assistance. For instance, a hospital can offer its patients a legal clinic to complete estate planning documents. To find medical-legal partnerships by state, visit: https://www.americanbar.org/groups/probono_public_service/projects_awards/medical_legal_partnerships_pro_bono_project/directory_of_programs/

- **Law School Legal Clinics**

Some law schools offer legal clinics, which provide their communities with access to legal assistance and provide students with clinical learning opportunities. Clinics may be a useful way to access pro bono (free) legal services.

- **Prepaid Legal Services**

An individual can purchase prepaid legal services directly from a company, but it is important to be aware of scams. Individuals may have access to prepaid legal services through an employer or labor union, or through an employee assistance program. Some credit unions and banks also offer access to prepaid legal services.

Hiring Considerations

When hiring an attorney, it is important to consider a variety of issues:

- Their experience in handling any similar cases
- Whether they will meet with you once free of charge (or if there is a fee) before making your hiring decision (referred to as an initial consultation by phone or in-person)
- How long they expect your case to take
- What steps will be involved in your case
- What and how you will be charged
- Whether they will handle your case personally. If not, you might want to talk with other staff who will be involved your case

Cost of Legal Representation

Legal aid organizations, legal clinics, medical-legal partnerships, and other public interest law programs may provide free or low-cost legal services. However, hiring a private attorney could be significantly more expensive. Each attorney operates differently, but generally, for issues like employment discrimination or disability claims, attorneys work on contingency. This means the attorney will get a percentage of the settlement if the case is won. If the case is lost, then the attorney is usually only reimbursed for expenses. For most attorneys (e.g., employment attorneys), there is usually not a cap on a contingency fee.

Hiring a Disability Attorney

One of the most common reasons a person dealing with cancer may want an attorney is to appeal a Social Security Disability Insurance (SSDI) or a Supplemental Security Income (SSI) denial of benefits. Social Security Disability attorneys work on a contingency fee, meaning they will take a case even if the individual does not have the money upfront to pay for the attorney's services. If the attorney wins an appeal, he or she will take a percentage of past-due benefits (retroactive and back payments) an individual receives. Any fee charged by a representative must be approved in writing by the SSA. The SSA will not approve a fee which exceeds 25% of the past-due benefits an individual is awarded, up to a maximum of **\$7,200**. However, individuals should keep in mind that this representation may not be totally free. Attorneys are entitled to charge clients for other expenses that are not related to the fee for representation, such as reimbursement for the cost of obtaining medical records, postage, or travel expenses. Individuals should make sure they understand what the attorney charges for these types of services, prior to signing a contract with the attorney.

- Keep in mind, if an individual has a particularly complicated case that requires multiple hearings or an appeal to the Appeals Council or federal court, a disability lawyer is permitted to file a fee petition with SSA to request to be paid more than the \$7,200. The SSA will review the fee petition and will approve it only if it is reasonable.
- To find a Social Security attorney go to the National Organization of Social Security Claimants' Representatives (NOSSCR): www.nosscr.org
- For more information about disability insurance, visit TriageCancer.org/DisabilityInsurance

There are many options to help you access legal representation. Regardless of how you find an attorney, it is important to find someone you are comfortable with, and who is upfront about their experience and the cost of their services.

For more information about cancer-related legal issues, visit
TriageCancer.org/Cancer-Related-Legal-Issues