



Thank you for your work representing individuals who are suffering health effects from 9/11 and are seeking compensation through the September 11th Victim Compensation Fund (“VCF”). We want to share and/or reinforce with you several important VCF rules of representation – specifically regarding attorneys’ fees and expenses, and payments to law firm escrow accounts – as you assist your clients through the claims process. These rules are set forth below.

Our website (www.vcf.gov) includes extensive information about the VCF’s policies and procedures, including our [Policies and Procedures document](#) and an “[Information for Law Firms](#)” page, which is tailored to addressing those issues that are of particular importance to law firms. This information is updated on a regular basis. We expect you to become familiar with our policies and procedures, and to stay abreast of any updated information about the VCF.

1. Attorneys’ Fees and Expenses

- a. **Fees.** By statute, attorneys’ fees are capped at 10% of the claimant’s award. If you also charged your client a fee in connection with certain other September 11th-related litigation and settlements, you may only charge that client for representation for the VCF if the total charge for both representations does not exceed 10% of the client’s total award in the other September 11th-related litigation. Attorneys who charge a fee in excess of the 10% will be in violation of the statute.
- b. **Expenses.** Under the VCF’s regulations, attorneys may charge a claimant for expenses that are routinely incurred in the course of providing legal services, as long as those expenses and attorneys’ fees do not exceed the 10% cap. This includes any fees related to proceedings in Surrogate’s Court or probate court, including but not limited to the appointment of a Personal Representative or petitions to remove limitations in Letters of Administration. The following expenses are never reimbursable for VCF claims:
 - Obtaining routine supporting documents
 - Costs of printing, mailing, delivery, messenger services, and telephone calls
 - Staff expenses
 - Any litigation expenses related to a claimant’s 9/11-related lawsuit (e.g., court filing fees, depositions costs), as such expenses are not related to the submission of a VCF claim.

The Special Master may allow an attorney to charge a client for *non*-routine expenses in excess of the 10% limitation if the expense is considered to be outside of the normal expenses incurred in the course of submitting a claim to the VCF. For example, the Special Master may consider, as an allowable non-routine expense, the cost of obtaining copies of medical records in order to demonstrate the severity of an eligible injury, the impact of the injury on the victim including records of medical treatments, prognosis, and limitations on the victim’s activities, and/or whether the victim is disabled (i.e., unable to work at full capacity) because of the eligible injury.

The following non-routine expenses are reimbursable beyond the 10% cap without prior approval of itemized expenses from the Special Master:

- Medical record expenses described above IF (a) the expenses consist only of the amount charged by the facility that maintains the records; (b) the records were obtained specifically for the VCF claim; and (c) the claimant/attorney made efforts to limit the request to those records that appeared necessary for the VCF claim.



- Translation expenses incurred to have a document that is substantive to the claim and provided in a language other than English translated by a certified translator.
- Fees for a *certified* interpreter to accompany a non-English speaking claimant to a hearing. Note: use of bilingual law firm personnel to serve as interpreters does not qualify for reimbursement.

Reimbursement of other non-routine expenses must be specifically requested and authorized by the Special Master. Please be advised that the Special Master will authorize such expenses only in rare circumstances, such as travel expenses for necessary meetings with a client located more than 100 miles from the law firm office, or the costs of economist analysis/reports where the victim's economic loss requires the valuation of a business.

- 2. Payments to Law Firm Escrow Accounts:** If you have an agreement with your client to have the VCF award paid to your law firm escrow account, the Special Master expects that the law firm will disburse the payment to the claimant within 30 days of the money being deposited into the law firm account. If your law firm has an agreement with the claimants you represent to receive VCF payments on their behalf, please carefully review the "[Law Firm Payment Instructions](#)" available on the "Information for Law Firms" page of the VCF website. You must follow the specific instructions or payment may be delayed.

If you have any additional questions, concerns, or want to discuss claim-specific questions, please contact our Attorney Outreach Team: Peter Offen or Catherine Doctor.