

Bach Talk: In praise of contingency fees

With surprising (and sad) frequency, United Policyholders hears from senior citizen victims of unfair insurance practices.

And as hard as it is for me to understand businesses and people that intentionally take advantage of the elderly – let alone those who lose their homes in disasters...its a common occurrence. That's why Americans should feel fortunate that we have a civil justice system that can deliver remedies in these types of situations. And that is why the contingency fee system is so critically important to consumers – especially low income seniors.

The contingent fee system allows people who can't afford to pay a lawyer by the hour to secure legal representation. This system makes it possible for anyone to take on a multi-billion dollar insurer that has treated them unfairly, regardless of their age, income and education level.

Instead of having to charge clients by the hour, a lawyer that works on contingency can “bet on the come” that their fee will be paid as a percentage of the amount they recover for the client. It's a risk that some lawyers will take in some states, in some cases. But you can't hire a lawyer on contingency in states with weak consumer protection laws. In those states, attorneys can't or won't work on a contingency fee because it will reduce the policy benefits the consumer has been deprived of to the point where it doesn't make economic sense to sue. In those states, elderly victims who are mistreated by insurers or adjusters get left out in the cold with no way to secure justice. UP is working to remedy this fault in our nation's civil justice system.

[This clip tells a story with a happy ending.](#) Nice work Evangeline Grossman and [UP Board member Brian Kabateck](#). They secured a recovery for a senior citizen couple in California who lost their home in a wildfire, then experienced an insurance trauma that made it impossible for them to recover. In one respect, the couple was lucky: They happened to live in a state with strong consumer protection laws, including an elder financial abuse prevention statute.