

DEC 30 1969

Sylvan D. Einhorn, Esq.
 Winer and Einhorn
 Suite 1120, Western Saving Fund Building
 Broad and Chestnut Streets
 Philadelphia, Pennsylvania 19107

Dear Mr. Einhorn:

This is in reply to your letter of December 15, 1969, inquiring whether there are any statutes or regulations governing attorneys' fees for representing clients before the Railroad Retirement Board.

There is no provision in the Railroad Retirement Act relating to attorneys' fees, and the Board has not promulgated any regulations with regard to the matter under that Act. Payment of a fee that is reasonable, under all the circumstances, is not prohibited by the Act or by regulations, and the Board ordinarily does not consider the amount which may constitute a reasonable fee in a specific case. In the absence of information that an attorney's fees are unreasonable, the Board has taken the position that the matter of fees between an attorney and his client with respect to an annuity application before the Board is outside the scope of its authority and should be settled between them.

The Railroad Unemployment Insurance Act, the other act administered by the Board, provides that "no * * * counsel or agent for a claimant shall either charge or receive for * * * services more than an amount approved by the Board." 45 U.S.C. § 355(i). The Board has not adopted any fee schedule relative to such cases but, rather, limits itself to approval or disapproval of amounts submitted by counsel for its consideration. Ordinarily the fees are agreed upon between the attorneys and their clients prior to the request for Board approval.

I trust that the foregoing provides the information which you requested.

Very truly yours,

Myles F. Gibbons
 General Counsel

DGZ:cs