The Challenge: It’s been over thirty years since the Low-Income Housing Tax Credit (the “Tax Credit”) became the primary tool for financing the cost of affordable housing preservation and new development. Despite the long history, and the thousands of projects developed using Tax Credit equity combined with other sources of financing, transactions are no less complex, and in most instances, the closing process no less efficient. In fact, the scarcity of financial resources to supplement Tax Credit investment have made the layered approach to affordable housing finance even more complex, requiring developers to be ever more creative in making their budgets feasible. In this scarce resource environment, clients are looking to their attorneys and other consultants to control costs to the greatest extent possible. Deals are as or more complex than ever, take more time to close, while the sources with which to pay for transaction costs are diminishing.

- How do we balance the need to control our fees while still maintaining profitability for our firm?
- What are the types of fee arrangements that attorneys should consider when quoting the fee for legal services?
- What are the ethical considerations with regard to hourly billing, fixed fees, or other alternative fee arrangements?
- How can the affordable housing bar work collaboratively to improve the financial closing process?
- How do we handle the client who thinks “their deal will be simple, not like the last one”? 
I. Drivers of Legal Costs—what makes deals so expensive?
   A. Factors within the Lawyer’s Control
   B. Factors outside of Lawyer’s Control

II. Fee Structures and Billing Considerations
   A. Ethical Guidelines
   B. Hourly Billing
   C. Fixed Fees
   D. Law Firm Constraints
   E. Retainer Letters

III. Cost Control—how to control the cost for legal services
   A. Structuring Your Team
   B. Commoditization
   C. Use of Technology
   D. How to Control Unforeseen Events
   E. When Should the Lawyer Be Actively Engaged

IV. Industry Response—MassDocs Case Study