

Digest of Ethics Advisory Panel
Opinion #91-71, Request #188
Issued October 29, 1991

An attorney seeks Panel advice about a referral agreement between the attorney and another attorney who was suspended from the practice of law after the agreement was entered into. The Panel advises that:

The fee division contract cannot be carried out after the date of the other attorney's suspension since an attorney cannot work on cases once he is suspended.

The fees should be divided according to the fair value of services rendered before suspension.

Both attorneys should try to reach agreement on the reasonable value of services prior to the suspension and division of fees and if that fails, then a court may have to make the determination.

The suspended attorney is entitled to his/her share of the fees, as long as the fee is calculated according to the work performed before suspension.

There is no need for an escrow account to separate the fees, but they should be kept in a client fund account.

Normally maintained time and work records should be kept to support actions taken in respect to fees.