

ETHICS ADVISORY PANEL
OPINION #94-64 REQUEST #535
Issued September 28, 1994

The inquiring attorney seeks advice from the Panel regarding the following circumstances. The inquiring attorney brought suit on a promissory note for \$1,000.00. The court awarded \$1,000.00 as a judgment plus \$300.00 for attorney fees plus cost. The attorney collected the judgment, attorney fees, costs and interest and then remitted a bill for \$300.00 to the client. The client deducted fifteen percent from the bill. In the second situation, the attorney initiated a foreclosure on behalf of the client. The mortgagor paid up to date and included the demanded counsel fee. The attorney remitted to the client a sum of money which included attorney's fees and expenses. In response to the attorney's bill, the client reduced the attorney's fees by fifteen percent.

If the inquiring attorney chooses to negotiate a lower fee for his/her client, then all representations regarding the fees made to the court or third parties must reflect the actual fee. See, Rule 3.3 entitled "Candor Toward the Tribunal" and Rule 4.1 "Truthfulness in Statements to Others."