

Final

Rhode Island Supreme Court Ethics Advisory Panel
Opinion No. 2007-05 Request No. 931
Issued March 8, 2007

Facts

The inquiring attorney hired a medical expert to review a client's medical records. The expert's fee had to be paid before the expert provided a report. The inquiring attorney paid the fee on behalf of the client and billed the client. The client has not paid the expert's fee. The inquiring attorney wants to charge interest on the amount due. A written fee agreement between the client and the inquiring attorney states that the client is responsible for payment of all costs associated with advancing the case and that payments of those costs that are advanced by the inquiring attorney are due from the client upon payment by the attorney. The fee agreement also provides that the inquiring attorney may charge interest on overdue amounts.

Issue Presented

The inquiring attorney asks whether it is proper to charge interest to the client on the unpaid expert's fee.

Opinion

The Rules of Professional Conduct do not prohibit the inquiring attorney from charging the client interest on the unpaid expert's fee provided the inquiring attorney complies with laws governing the charging of interest.

Reasoning

The fee agreement provides that the client is responsible for costs, and that costs that are advanced by the inquiring attorney are due upon payment by the inquiring attorney. The fee agreement also provides for interest on unpaid amounts. The Rules of Professional Conduct do not prohibit the inquiring attorney from charging the client interest on the unpaid bills for the medical expert's services, provided that the inquiring attorney complies with laws governing the charging of interest. Such charges are the reasonable consequences of nonpayment. See R.I. Sup. Ct. Ethics Advisory Panel Op. 98-06 (1998) (charging interest on unpaid legal bills is proper if lawyer complies with laws governing the charging of interest and if, in the absence of a prior written agreement, clients receive advance notice and a reasonable opportunity to pay without interest.)