
**E-88-8 Fee sharing with Lawyer Referral
Service by participating lawyers**

Question

Do the Rules of Professional Conduct for Attorneys (SCR Chapter 20) permit lawyers registered with a bar association's lawyer referral service to contribute toward the expense of operating the service by remitting to it an agreed upon percentage of attorney's fees collected?

Opinion

Yes. *See* SCR 20:7.2(b). *See also* ABA Formal Ethics Opinion 291 (1956); and *Emmons, Williams, Mires & Leech et al. v. The State Bar of California*, 6 C.A.3d 565, 86 Cal. Rep. 367 (1970).

However, since such a fee-sharing arrangement would only be permissible when the referral service is operated by a bar association and nonprofit, it follows that the fees remitted to the referral service should be reasonably related to the cost of operating the service. SCR 20:7.2(b). *See also* SCR 20:5.4(a). And the fees charged referral clients should not be inflated to account for the fees shared with a bar association referral service unless the clients are informed fully of the arrangements prior to commencement of representation and the clients consent. *See generally* SCR 20:1.4(b), 20:1.5(c) and (e), 20:2.1 and 20:8.4(c).

Further, the committee directs the attention of persons involved with lawyer referral programs to SCR 11.06, pertaining to group and prepaid legal services plans. Whether that rule may be relevant to the question presented is not within the jurisdiction of this committee to decide.