

MINUTES

COMMITTEE: Ethics Committee

DATE: October 5, 2000

10. CHAPTER 9, RULE 8: WHETHER PROPER FOR LAWYER TO TAKE PERCENTAGE OF REAL ESTATE COMMISSION AS FEE

A lawyer has asked whether it is proper for a lawyer to provide legal representation and administrative services for a Bank where the Bank is foreclosing on property where it is mortgagee. The remuneration for the lawyer would come, not from billing the client in the usual way, but from a 25% rebate on the listing realtor's usual commission that would be negotiated between the client and the real estate agent.

In the Committee's opinion, provided the choice to pay the lawyer in this way is that of the client and the client's right to review the lawyer's bill is not impaired, the arrangement is a proper one.

JO:jeh
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