

January 1946

Report of Denver Bar Association Committee on Minimum Fees

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Report of Denver Bar Association Committee on Minimum Fees, 23 Dicta 135 (1946).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Report of Denver Bar Association Committee on Minimum Fees

There are two special problems which need attention—milk and tuberculosis. There are two forces which beat the health bills in the last legislature—the Denver city machine and the milk interests. Dr. Buck recommends that the question of handling milk sanitation by the health department be not brought up by legislation, but by a gentlemen's agreement which will transfer the health aspects of milk production and distribution from the department of agriculture to the health department.

I was invited to attend a meeting of dairymen. I talked briefly about milk. They told me they wanted good inspection of milk because they lose money in trying to send dairy products from Colorado into other states, and then not have their products accepted in the other states. They want to tighten laws on milk inspection. Near Trinidad they were producing cheese containing brucellosis germs. The cheese was destroyed at a total loss to the producers. I went to Fort Collins to attend a meeting of farmers. One farmer said that the farmers in his community had gotten together and had their cows tested for Bang's disease. The diseased cows were sold. They saved money by this because they no longer lost calves from this disease. Both the big and little interests have found out that good milk is economically beneficial.

What we need is a statute based upon the standard milk ordinance. Farmers who work under the standard milk ordinance have found its advantages. The farmers are going to see the advantages of good milk and will be behind a public demand for good milk laws. We want the Colorado dairy interests to demand good milk laws.

We have a good many cases of tuberculosis which are not in sanatoria. Tuberculosis is transmitted. If the tuberculosis patient will learn to guard the people with whom he comes into contact from his tuberculosis, the tuberculosis death rate will be reduced. We have new ways of treating tuberculosis. We want to get a new hospital which will use the new methods of treatment. We want a new hospital near the Colorado General Hospital. There is a difference of opinion among the doctors regarding the size of the proposed hospital. It is also necessary that social medical workers be trained in the field of tuberculosis control.

Report of Denver Bar Association Committee on Minimum Fees

The following report has been filed by the Minimum Fee Schedule Committee with the officers of the Denver Bar Association. It has not been acted upon, but is being printed in DICTA so that it may have the early and complete consideration of all members of the Denver bar. All members of the Denver bar are requested to study this report carefully so that they may be prepared to act upon it when requested to do so.

To the officers and members of the Denver Bar Association:

The painstaking and comprehensive report *Potentialities for Practice of Law in Colorado*, published in the December 1945 issue of DICTA, raised inquiries relative to the advisability of a minimum fee schedule for the Denver Bar Association, and led to the appointment of this Minimum Fee Committee. After examining the minimum fee schedule of the American Bar Association and such other state and city schedules as are available, consulting various attorneys of the Denver bar, and after numerous committee meetings, your committee now submits the following report for your consideration and such action thereon as is deemed advisable.

Your committee finds that in spite of the greatly increased complexity of practice due to the many new rules, regulations and decisions, the increased cost of maintaining proper office facilities to better serve the clients' needs, and the increasing cost of living, attorney fees in Denver have remained practically the same as twenty years ago. There is also a considerable lack of uniformity which is difficult for the layman to understand.

The members of the Denver bar feel their responsibility and their position of service to the community and have not sought to enrich themselves at the expense of the public, and have kept in mind the Twelfth Canon of Ethics of the American Bar Association:

"(12). Fixing the Amount of the Fee. In fixing fees, lawyers should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge, or even none at all. The reasonable requests of brother lawyers, and of their widows and orphans without ample means should receive special and kindly consideration."

It is necessary, however, that attorneys be adequately compensated in order for them to provide the proper facilities to render the highest service and skill to their clients—a skill acquired after long years and heavy expense in preparation in schools and practice.

Fees cannot be set with mathematical certainty because of the many and varied circumstances and questions involved, and the schedule here recommended is not meant to be taken as a hard and fast rule, but as a guide which your committee, after careful consideration, believes are reasonable *Minimum Fees in Normal Ordinary Cases*, and where greater responsibility, skill, time, or added elements enter in, a commensurate increase in fees should be called for. On abstract examination, for example, in 1916 the average number of entries was approximately 55, and now has increased to approximately 90, and property values have greatly increased, yet many attorneys charge the same examination fees now they did years ago. These minimum fees are intended only for simple, ordinary abstracts on normal valuations, and where there are numerous entries of estates, foreclosures, quiet titles, and metes

and bounds, requiring additional time, or the value of the property increases the attorney's responsibility, the fees should be increased commensurate with the added time, investigation or responsibility. The abstract should be inspected before a fee is quoted. If separate and additional charges are made for closing deals and drawing instruments in connection with such examination, and charges for consultations and drawing wills made, instead of letting these go in the expectation of later sizeable business or estates—an expectation which often fails to materialize—much uncertainty to the client and loss to the attorney would be saved.

We have not attempted to cover too many items on this fee schedule, as others may later be added and changes made as the members of the bar may suggest and experience direct. We submit this schedule for what it is intended, the honest opinion of your committee what the minimum fees in simple cases should be in order to provide adequate equipment and maintain the highest efficiency and service to the client. The minimum should not be considered the maximum, nor even the average, where other elements or difficulties enter in. You may disagree with some items and we solicit any constructive suggestions regarding them, but if the schedule as a whole is given a try by all the members, later, alterations or additions may be made as careful consideration and experience may suggest, and it will eventually become a working guide for all and give you confidence in setting fees with the assurance that others are doing the same, and we trust that greater confidence and co-operation between the members of the bar and the public will result.

The following figures are the minimum attorney fees, to which should be added the costs:

Abstracts:

Examination of title, minimum fee \$ 25.00
 Where amount involved exceeds \$7,500.00, or entries are numerous or complicated, appropriate additional charge should be made. If a lawyer is handling a large volume of abstract examinations for a single client, appropriate reduction may be made in the fee.

Closing deals:

Simple closing where adjustments made up by Agent \$ 10.00
 If computation of adjustments or considerable time is required to close, additional charges on time basis, and an additional charge for drawing instruments should be made.

Adoption: \$ 75.00

Bill of Sale:

If client furnishes typed inventory to attach to form \$ 5.00
 If inventory is to be typed, additional fee depending on time and value should be charged.

Consultation, or Advice (office or telephone):

For short and simple matters, at least \$ 5.00

<i>Change of Name:</i>	\$ 35.00
<i>Corporations:</i>	
Preparing articles, by-laws, issuing qualifying stock, and drawing minutes of organization meeting	\$125.00
<i>Determination of Interest in Lands and Tenements—(Heirship):</i>	
	\$100.00
<i>Divorce or annulment:</i>	
Non-contested without property settlement or preliminary hearings	\$100.00
Contested cases, at least	250.00
Separate maintenance	150.00
<i>Drawing Instruments:</i>	
Warranty or quit claim deed	\$ 5.00
Trust deed or mortgage with note	7.50
Chattel mortgage with note	7.50
Release trust deed or mortgage	5.00
Contract of purchase and sale, simple	15.00
<i>Estates:</i>	
Fees to be set by court. We feel that considering the time, care and work involved, a reasonable fee should be for	
Estates not over \$1,000.00	\$ 75.00
Estates over \$1,000.00 as allowed by Court.	
Probate of foreign will without appointment, and including application for inheritance tax waiver	75.00
Statutory sale of real estate	50.00
<i>Foreclosures:</i>	
Through the public trustee	\$100.00
Through the court	150.00
<i>Leases:</i>	
On printed form	\$ 10.00
<i>Perpetuate Testimony:</i>	\$ 75.00
<i>Partnership (simple):</i>	\$ 25.00
<i>Quiet Title (simple and non-contested):</i>	\$150.00
If many defendants, or complications, additional charge should be made.	
<i>Establishing Title Upon Death of a Joint Tenant:</i>	\$ 20.00
<i>Wills (short and simple):</i>	\$ 15.00
Fee for will with trusts, numerous or contingent bequests, should be fixed depending on the value of the estate and time and skill required.	

Respectfully submitted,

HUGH B. KELLOGG, Chairman
 GOLDING FAIRFIELD
 ALBERT S. ISBILL
 STEVENS PARK KINNEY
 GILBERT L. McDONOUGH
 WILLIAM R. NEWCOMB
 IRA L. QUIAT.

Dated at Denver, Colorado, this 27th day of May, 1946.