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Report of Professional Ethics Committee

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Bar and to the Court, and visiting counsel from other states who have been here to try cases in our county, have unanimously praised it as being far better than the system used in the States from which they came.”

Having had more than ten years' experience under each of these systems, I am thoroughly convinced that the Single Calendar System, moulded upon rules to conform to local needs and customs, is the most economical and satisfactory plan alike for Bench, Bar, Litigant, and Public.

REPORT OF PROFESSIONAL ETHICS COMMITTEE

STATEMENT

A detective agency, incorporated, licensed and bonded under the state statutes, advertises and holds itself out to the public as expert investigator of all manner of claims such as damages, domestic matters, judgments, collections, lost heirs, criminal matters, etc., and offers to render its investigating service and assemble all the evidence on a percentage basis computed on the amount realized on the claim. It makes direct contract with the claimant, and one of the terms is that if the claim is found to be meritorious and the services of an attorney are needed, the claimant agrees to employ a competent attorney at his own expense. The agency recommends different attorneys but the claimant is not bound by the recommendation. He makes his own selection, whether outside or inside the recommended list.

The selected attorney is then asked to render his services on a percentage basis, but at a lower rate than usual, because all the investigating, assembling of evidence, etc., is done by the agency. The attorney makes separate contract with the claimant and has nothing to do with the agency or its contract, and there is no mingling of the attorney's fees and the agency's compensation.

Is it unethical for the attorney to accept employment under such circumstances?

OPINION

In the opinion of the Committee the amount of a contingent fee is a matter for agreement between the attorney and his client.

The attorney is not professionally interested in knowing by whom or how evidence is gathered but he should and must be professionally interested in the character of the proof upon which he is expected to rely, whether collected by a detective agency or any other person, and should satisfy himself as to its truth. If convinced of that his acceptance of employment under the circumstances proposed would not, in the opinion of the Committee, be unethical.

Respectfully submitted,

EDWARD D. UPHAM, Chairman.
For the Committee.