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## Legal Ethics Committee

Edward D. Upham

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the judges baseball team, a pennant, was presented to Hon. Robert W. Steele, the captain of the Judicial Benchwarmers.

For his outstanding achievements and blisters in the "nigger baby" game, Otto Friedrichs received a canteen, from which, presumably, he might lave his wounds.

Albert J. Gould, Jr., received a set of horseshoes for conquering the field in that game. Mention should be made of the fact, however, that he waited until after dark to play against Judge Wilbur M. Alter of Colorado Springs, being the only way he could beat him.

Cass E. Herrington and Robert J. Pitkin were handed checks in token of their having cleaned up at bridge. The amounts thereof and the losers' names were not made public.

James A. Woods, the official census taker, reports that 135 members of the bench and bar were present, and that

120 were served barbequed steak and fixings for dinner. The reliability of his count is open to question, but the figures are approximately correct. Judges Dennison, Walker and Adams of the Supreme Court, Judges Sackmann, Starkweather, Calvert, Bray, and Alter of the District Bench, and Judge R. W. Steele of the Juvenile Court honored the Bar with their presence. They are all complaining of aches and pains, aggravated by severe sun burns, but are apparently happy at having won the ball game, even though it required the active assistance of Bill Foley to do it.

The Bar-B-Q was such a success in every particular it should be made an annual event, and a tradition of the Association. And to the committee which so efficiently planned and arranged the affair, and the officials of Mount Vernon Country Club goes the thanks of all who attended.

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## *Legal Ethics Committee*

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June 12, 1928.

To  
Mr. Robert L. Stearns,  
President of the  
Denver Bar Association,  
Denver, Colorado.

In compliance with your request that the Committee furnish an opinion respecting the practice of some lawyers in obtaining and retaining rebates from the publishers of newspapers in connection with the publication of legal advertising the following is submitted:

### STATEMENT

A letter from the Secretary of The Colorado Editorial Association accompanying the request reads as follows:

"My dear Mr. Stearns:

"Within the past few weeks on different occasions it has been

called to my attention that attorneys in Denver and the State of Colorado are requesting and in some cases demanding, that publishers pay them a fee or commission on legal publications. This practice, I am sure, is contrary to the ethics of the legal profession, and I wonder whether or not you can help us to eliminate this evil. While in some cases it may be true that the commission is credited to the account of the client, yet we have evidence in other cases that the money so received is being retained by the attorney himself.

"We do not wish to reveal any specific instances at this time, rather feeling that a general reference to this matter to your members might be sufficient. However, we have evidence on hand, and if we find the situation does not improve, we shall reveal the specific instances.

"While we realize it is not un-

ethical for a lawyer to take a commission or fee from an editor and credit it back to the client, yet we believe that in the interests of better relationship between the legal profession and the newspapers that the attorneys should not request a publisher to refund any part of a publication charge. In the usual run of legal publications the legal rate of today, which was established some thirty-five years ago, is much less than the ordinary commercial rate.

"Trusting that this action will meet your approval and that we may hear from you, I am

"Very cordially yours,"

#### OPINION

The question of the propriety of a lawyer's taking commissions for legal publications is an old one. If it is done without the client's full understanding and consent it is nothing but graft. If it is done with that consent there is nothing immoral about it, on the lawyer's part at least but it has the appearance of evil and therefore

should be avoided. If the amount of the commission is credited to the client the procedure is not improper but useless and may some time lead to misunderstanding. What has been said above is true not only as to commissions for publications but as to commissions for anything else paid by a lawyer and charged to his client, and indeed as to anything paid by any agent or trustee and charged to his principal or beneficiary.

The Committee would suggest that publishers submit their bills for the actual amounts they are to collect. No lawyer with correct standards will object and if any lawyer does object the publisher must decide for himself if he presents a bill for a larger amount whether he is not a party to possible fraud against that lawyer's client.

Respectfully,

(Signed) EDWARD D. UPHAM,  
Chairman,  
For the Committee.

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## *Another Bar Primary*

*(From Los Angeles Bar Association Bulletin, June 7, 1928)*

"FULL campaign momentum is being reached by the Judiciary Campaign Committee. Weekly meetings have been held in conjunction with the Speakers and Organizations Committee, and contacts with the Publicity Committee maintained, in addition to continued sessions at the offices adjoining those of the Association.

Campaign work is divided mainly into three general departments: publicity, in which Mattison B. Jones acts in a co-operative capacity; speakers' bureau, under the supervision of Lawrence L. Larrabee, and finances, superintended by Norman A. Bailie, chairman of the campaign committee.

A budget of the expenses of the en-

tire campaign, as far as such can be determined, has been prepared. C. S. Loveland, auditor, daily receives all campaign subscriptions, and provides financial statements daily, weekly and monthly.

A large number of speakers, from the membership of the Association, have agreed to address meetings, setting forth the purposes of the plebiscite and advocating the bar ticket of candidates. More than 200 clubs and organizations have been canvassed with a view to arranging speaking dates and securing endorsement of the candidates of the Association. Many of the speakers will appear in other parts of the county.