

January 1926

Report of the Committee on Minimum Fees

William H. Wadley

Robert Collier

Jacob V. Schaetzel

Benj. C. Hilliard Sr.

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

Recommended Citation

William H. Wadley, Robert Collier, Jacob V. Schaetzel & Benj. C. Hilliard, Sr., Report of the Committee on Minimum Fees, 3 Denv. B.A. Rec. 2 (1926).

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 the Committee on Minimum Fees

Report of the Committee on Minimum Fees

On the question of Minimum Fees, or of the establishment of Bar Rates there seems to exist a great diversity of opinion among the members of the profession. On account of frequent disputes between attorneys and their clients as to the reasonableness of their charges, it might be well, if it were possible, to secure a certain measure of uniformity in the matter of such charges, or at least as to the minimum amount, which it would be proper to charge in any given case. Many attorneys are of the opinion that this is utterly impracticable and would have a tendency to place the profession more on a basis of Trades Unionism. Others, and possibly a majority, feel that if they had the support of the Bar Association in the matter of fixing of minimum compensation, they would more easily be able to satisfy their clients as to the fact that their charges were reasonable and proper.

Many laymen are of the opinion that lawyers charge excessively for their services. This is probably not true in the majority of cases, but the existence of such a feeling is unfortunate and should be remedied, if possible.

The lawyers, and especially the young lawyer, is often met with a serious problem in fixing a fee for his services, which shall fairly compensate him for his work, be satisfactory to his client and not out of proportion to charges made by other counsel in similar matters.

There are many elements entering into the makeup of a proper legal fee, which distinguish it from any other character of employment, such as the magnitude of the interest involved; the intricacy of the subject matter, the actual time devoted to it; the condition or peculiar relation of the client; the success or lack of success achieved in the particular case; the financial results obtained; the constructive benefit of the work done, or the contrary, the length of the experience and the skill of the attorney, and other elements, which must be taken into consideration, and many of which may not be understood by the layman in most instances.

It should be borne in mind that the cost of living and maintaining an office, the employment of the necessary assistants, etc., is very much higher than it was when most of us commenced the practice of the profession. The value of the dollar is less today than it was many years ago.

The establishment of Bar Rates by

other Associations has been a common practice throughout the country for some time past.

It should be understood that the schedule of charges does not attempt to fix the lawyer's fee. It is merely advisory and is intended as a guide in the fixing of the minimum amount, which should be charged for certain classes of work. Any of the elements previously suggested might enter into the fixing of such fee and make it larger in any particular instance, but the advantage of the schedule lies in the fact that it furnishes the lawyer, especially the young lawyer, with information of which, in many cases, he is entirely ignorant as to the general belief of his profession in regard to the value of his services.

The subject is one of considerable importance and while there is a natural reticence to discuss matters of this kind with the frankness with which they would discuss the value of commodities, it is suggested that a more thorough discussion and understanding of the matter of proper fees among members of the Bar would not only be advantageous to the lawyers, themselves, but to their clients, as well.

The general adoption of fee schedules with their proper revision from time to time is an invaluable aid to attorneys in properly fixing their fee from a standpoint both of fair compensation and of complete justice to their client. A movement along this line should be well supported by all lawyers, who have the interest of their profession at heart.

The committee has had in mind the interest of clients as well as the interest of attorneys, and an honest endeavor has been made to suggest fees which will be fair to both.

Subject to the foregoing considerations, the following schedule is recommended as advisory and as a minimum for the particular charges set forth, below, which no attorney with sufficient skill and experience to handle legal matters for others can afford to go without slighting the work:

OFFICE WORK:

Drawing deed.....	\$ 5.00
Drawing mortgage and notes....	5.00
Drawing extension agreement.....	5.00
Lease—short time (residence).....	5.00
Lease—Business (simple).....	10.00
Bill of Sale—simple.....	5.00
Chattel mortgage.....	5.00
Will—simple form (no trust).....	15.00

Land contract.....	\$10.00
Mechanic's lien claim.....	5.00
Income tax—individual.....	10.00
Income tax—corporation.....	25.00
Co-partnership agreement.....	15.00
Organization of corporation (\$25,000 or less). This includes drawing by-laws and attendance at first meeting but not transfer of property, classification of stock or other unusual features.....	75.00
Amendments to corporation.....	25.00

Examination and opinion on titles, based upon the value of the property in case of sale and upon the amount loaned in case of mortgage:	
Not exceeding \$1,000.00.....	10.00
Not over \$5,000.....	15.00
Over \$5,000 and not over \$10,000.00.....	20.00
Over \$10,000.00 and not over \$15,000.00.....	30.00
Over \$15,000.00, in proportion to the work required and the responsibility involved.	

Consultations and advice, drawing of deeds, time consumed in closing deal and work in clearing up the title to be the subject of an additional charge.

Office consultation not less than..	3.00
Schedule of collection charges:	
15% on first \$300.00	
8% on excess to \$1,000.00	
4% on excess of \$1,000.00	
Minimum fee \$5.00	
Claims under \$10.00, 50%	
Minimum suit fee, \$10.00, plus commission.	

DISTRICT COURT: (except as otherwise herein provided)

Retainer, at least.....	\$35.00
Trials, per Diem, at least.....	35.00
All cases of Real Estate Mortgage Foreclosures, Partition, Specific Performance, and the like, and all other cases involving real estate:	
Default—	
15% on first \$500.00 (minimum \$50.00).....	75.00
6% on next 1,500.00.....	90.00
5% on next 3,000.00.....	150.00
4% on next 3,000.00....	120.00
3% on next 3,000.00.....	90.00
2% on next 10,000.00.....	200.00
1% on next 14,000.00.....	140.00
½ of 1% on additional amounts	

The foregoing allowances are intended to apply to the average run of cases. It will be proper to increase these amounts where circumstances would seem to require it.

Foreclosure of Chattel Mortgage, or other lien on personal property, at least.....	\$30.00
Creditor's Bill, at least.....	75.00
Bill to dissolve Partnership and for Accounting, at least..	75.00
Injunction (when not auxiliary), at least.....	75.00
Injunction (when auxiliary) except in Divorce cases, at least.....	35.00
Divorce, Separate Maintenance, or Annulment, Default, at least.....	50.00
Divorce or Separate Maintenance, with contest, at least....	75.00
(Add per diem charge of \$50.00 per day for Court Work)	

COUNTY COURT:

The fees suggested for services in the District Court shall apply to the County Court as far as applicable.

PROBATE COURT:

For the first \$1000.00 at the rate of 7%, but in no case less than..	\$50.00
For all above that sum, not exceeding \$2000.00, at the rate of 5%; for all above that sum at the rate of 4%.	
Insanity cases, contested, prosecuting or defending, at least....	30.00
Adoption proceedings, at least....	30.00

SPECIAL PROCEEDINGS:

Quo Warranto, Mandamus or Writ of Prohibition, Ne Exeat, Habeas Corpus and Certiorari (only in lower Courts), at least.....	\$75.00
---	---------

JUSTICE COURTS:

Trial in City, in civil cases, at least.....\$10.00
 It is hereby declared that not less than \$50.00 per diem shall be considered the reasonable, proper and customary fee to be charged by the average, competent, busy, practicing attorney.
 It is understood that attorneys shall be entitled to reasonable and adequate compensation for their time and services in all litigated matters, regardless of the outcome of such litigation, unless

an agreement shall have been previously entered into between such attorneys and their clients to the effect that the litigation shall be conducted on a contingent basis, in which case their compensation should be larger than otherwise.

The Committee on Minimum Fees will offer, at the proper time, the following resolutions:

FIRST: That the Denver Bar Association is in favor of the adoption of a Schedule of Minimum Fees and hereby adopts the foregoing Schedule of Minimum Fees.

SECOND: That the President be authorized to appoint a standing committee

(composed of five members to be appointed by the President), which shall have power to hear complaints, receive suggestions, and subject to the approval of the Executive Committee, to change or alter the foregoing schedule in any respect and add to or diminish the classification or list of legal services and the amount thereof.

Respectfully submitted,

William H. Wadley
Robert Collier
Jacob V. Schaetzel
Benj. C. Hilliard, Sr.
Lewis B. Johnson, Chairman.
Committee.

REGULAR LUNCHEON MEETING

Chamber of Commerce, Monday, April 5, 12:15

CHARLES J. MOYNIHAN

President of the State Board of Corrections

will address us on

“Some Observations on Colorado Penal Institutions.”

AN ACKNOWLEDGMENT

The Association is indebted to H. J. Atkinson, 1654 Champa Street, Denver, for lending to the Secretary-Treasurer, without charge, an adding machine for use in balancing the books of the Association, and we take this opportunity to thank Mr. Atkinson for his courtesy.

A negro parson held forth as follows:

“Brudders and sistahs, I want to warn you against de heinous crime ob stealin’ chickens, and fuddermo’ I wants to warn you against de heinous crime of stealin’ watermelons.” At this point an old negro rose up, snapped his fingers, and sat down again.

“Wharfo’, brudder, does you rise up and snap you’ fingers when I speak ob watermelon stealin’?”

“You jes’ reminds me, parson, where I left my knife,” was the reply.

THE JURY WHEEL INVESTIGATION

The investigation of the stuffing of the jury wheel should be carried on with persistence and energy until all concerned in the outrage are brought to justice. Where the jury wheel is tampered with, there can be no security for person or property. The members of the Judiciary Committee are cooperating with the District Attorney.

Lawyers are officers of the court, and as such are vitally interested in preserving in its integrity the administration of justice.

If any person, especially any lawyer, possesses information that will aid in the investigation, he is in duty bound to give that information to the proper authorities.

Information given to Frederick T. Henry, Chairman of the Judiciary Committee, will be communicated to the District Attorney.