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Minimum Fee Survey

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them all, most amusingly, dwelling especially upon the law validating releases of trust deeds "made by anyone" during the Sabin-Fairall controversy.

Time would not permit him to discuss in detail the "mixed" class of statutes the speaker said, but at the head of the list was the divorce law, drafted by three "E and C statesmen," than which nothing could be more mixed. This law the speaker discussed until he had the audience howling with glee.

On the criminal side, the speaker advised the West Side practitioners to invest \$1.50 in the Session Laws of 1925. The act making the possession of a still a felony, the speaker said, was an answer to Edmund Burke's famous inquiry on how to draw an indictment against a whole people.

The civil practitioner, Mr. Walker said, would find amusement in the statute requiring jurors to both speak and understand English and in the law making the District Court a sort of probate court for defunct corporations.

There was only time for a passing glance at the statute relating to the insolvency of banks, but the speaker noted that it had an emergency clause.

The work of the legislature, Mr. Walker said, could not be properly as-

sessed or the public's debt of gratitude adequately measured without a consideration of the opportunities the legislature had enjoyed to enact laws that had not been enacted. A tribute at this point to the little band of senators who had courageously stood in the path of the passage of laws by a faction which had not demonstrated its right to power brought forth a storm of applause.

Mr. Walker then read the title of a bill which he declared Henry Toll had set his heart on—"A Bill for an Act to Determine and Define Hairdressing, Beauty Houses and Beauty Culture, etc., and to Create a State Board of Hairdressers." When the bitterness of the present moment had passed and the happy day arrived when this hair-dressing bill became law, then, concluded Mr. Walker, just as it was said that "what he thought of the Republic was written upon the brow of every Roman, so the incalculable benefits of his wise legislation would be seen upon the very faces of our women."

As the speaker took his seat, the audience roared with laughter and shook the building with applause. He had lived up to his reputation as a speaker of "scintillating satire and one of the masters of after-dinner oratory."

—J. C. S.

Minimum Fee Survey

A recent survey of the fee situation by our recently appointed committee on minimum fees has revealed some interesting and instructive data.

Ralph R. Hawxhurst, Chairman of the Committee on Fees and Schedules of Charges of Illinois State Bar Association in 1919-1920, wrote an article which appeared in the American Bar Association Journal of December, 1920. In this article he said, "The fees charged by professional men, especially lawyers, is a subject concerning which very little is written and much spoken. It is even conservative to state that the spoken word concerning said fees is not always complimentary.

"The opinion of many laymen, in jest or otherwise, seems to be to the effect, in general, that lawyers as a whole charge not illiberally for their services and that no two lawyers charge alike, it being largely a ques-

tion of which is the higher charge. There is even a large body of laymen who feel that many lawyers charge excessively for the service performed. This is unfortunate and should be remedied, if possible. On the other hand, the lawyer, especially the young lawyer, is met with a serious problem at times in fixing a fee for services which shall fairly compensate him for his work, be satisfactory to his client, and not be out of proportion to the charges made by other counsel in like matters.

"The many elements which enter into the make-up of a proper legal fee distinguish it markedly from any other character of compensation. There is the magnitude of the interest involved; the intricacy of the subject matter; the actual time spent upon the matter; 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, and the like, all of which must be taken into consideration and a portion of which may not be understood by the layman in many instances. The young lawyer is particularly at a loss in many cases, in view of his inexperience in matters of this kind, how to do justice to himself and be fair to his client.

"The Bar Associations of the several states, realizing the value of such a schedule, began to appoint committees to consider this subject, and a great many of the states have adopted such a schedule of fees and charges. Many of them are based on the Illinois Fee Schedule as prepared by the Bar committee and there has been a great demand, not only in this state, but outside of this state, for copies of this schedule, in view of the detail in which the matter of fees is set up and the apparent careful consideration given to the entire matter.

"It is to be understood that the schedule of charges, as prepared and now adopted, does not attempt to fix the lawyer's fee, it is merely a guide to the minimum fee which should be charged in a particular class of work, or a particular item of business. The fees to be charged by lawyers, in the opinion of many, including the said committee, should not be less than the fee specified in the schedule. Any one of the elements mentioned above or many others might enter into the fixing of a fee and make the fee very much larger in the particular instance, but the advantage of the schedule lies in the fact that it furnishes a starting point upon which to base a fee, and 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 the particular kind of service performed.

"This subject is really one of paramount interest and, while there is a natural reticence in most professional men to discuss a matter of this kind with the frankness with which they would discuss the price of wheat, it is submitted 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.

"It is further admitted that the general adoption of a fee schedule with their proper revision from time to time is an invaluable aid the lawyers in properly fixing their fee from the 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 schedule is listed under the heading of three counties and only the schedule of counties having more than 100,000 inhabitants is set forth here. As an illustration of the fees charged in Illinois the following is given; a complete list would be impossible in the space allotted:

United States Circuit Court of Appeals—	
Appearance and Brief, at least	\$100.00
Per Diem, at least.....	100.00
United States District Court—	
Appearance and Brief, at least	100.00
Per Diem, at least.....	100.00
In Bankruptcy Matters—	
Where no assets above exemption and no contest, at least	100.00
Where contest, or where there are assets above exemption (fee fixed by court	200.00)
State Courts	
Supreme Court of Illinois, direct appeal	\$400.00)
Circuit or Superior Courts (same as our District Courts)—	
Retainer, at least.....	75.00)
Trial, per Diem, at least....	75.00)
All cases of Partition and Foreclosure, and all other cases where there is a sale of real estate, at least, in any case	200.00)
And upon excess of \$500 to \$2,000, add	8%
And upon excess of \$2,000 to \$5,000, add	6%
And upon excess of \$5,000 to \$15,000, add	5%
And upon excess of \$15,000 to \$30,000, add	4%
And upon excess of \$30,000 to \$50,000, add	3%
And upon excess of \$50,000 add	1%
Divorce or Separate Maintenance, Default, at least.....	\$100.00

Divorce or Separate Maintenance with contests, at least \$135.00 and add per Diem in Cook County.
 Appeal from Justices, at least 35.00
 Obtaining Judgment by Default in Assumpsit or debt, at least 50.00
 Defense in case of Misdemeanors, at least \$50.00 and add per Diem

County Courts

Adoption Proceedings, at least. \$ 75.00
 Drawing Petition and Attending Probate of Will (no contest), at least. 50.00
 Drawing Petition and obtaining Letters of Administration, at least 50.00
 Drawing Inventory, at least... 25.00
 Preparing Notices and Attending Claim Day, at least. 25.00
 Drawing and Presenting Report other than final. 35.00
 Drawing Petition for Sale of Real Estate and Proceedings relative thereto, at least... 100.00
 Where no Will and Estate is simple, entire proceedings, at least 135.00
 Where a Will and Estate is simple, entire proceedings, at least 145.00

Justice Courts

Trial in city where attorney resides, in civil cases, at least 15.00
 Criminal Examination and Bastardy cases 35.00
 Outside of city, add to each of the above 25.00

Committees, Etc.

Appearance and Argument before City Council or any of its committees, or before any board or officer of the city, at least 75.00
 Same before General Assembly or any of its committees or any board, department or officer of state, at least, per day 100.00
 Appearance before the State Public Utilities Commission, at least 100.00
 Appearance in contested matters before Industrial Board or Committee or Arbitrators, per day, at least. 75.00

Miscellaneous

Drawing Will or Codicil in its simplest form, at least. 15.00
 Drawing Deed and taking acknowledgement at least. 7.50

Drawing Mortgages and Notes, at least 15.00
 Drawing Leases, Articles of Agreement or Bond for Deed, at least 15.00
 Legal Advice (without consultation of authorities, at least 15.00
 Time necessarily devoted to briefing questions of law or fact as the basis of legal advice or opinion per diem, at least \$35.00 to. 135.00
 Examination of Abstracts of Title, at least 25.00
 Procuring License to Incorporate and Charter, at least. 75.00
 Drawing By-Laws and completing organization, at least... 75.00

Collection Charges

15% on first \$300.00.
 8% on excess to \$1,000.00.
 4% on excess of \$1,000.00.
 Claims under \$10.00, 50%.
 Minimum Suit Fee, \$7.50, plus Commission.

On all business forwarded by one attorney to another, one-third of fee to forwarder and two-thirds to receiver. No division of fees should be made without the knowledge of the client who pays them.

LAW AND CRIME

(Note: The following article, advocating an overhauling of our legal methods to meet the crime problem, was clipped from a recent number of the Christian Science Monitor. We present it for your consideration.)

Pointing out that there is no single remedy to apply to problems of criminal justice, but that criminal law is hampered by limitations and mitigative devices, and advocating a thorough study and research of the problem, Roscoe Pound, dean of Harvard University Law School, in a letter courteously sent in response to a query from The Christian Science Monitor, summarizes his views of the present anti-crime discussions in the press and on public platforms.

Dean Pound's views are an important contribution to a clearer understanding of the crime problem and are certain to be valuable to the National Crime Commission and other organizations which are working toward a solution, for he is recognized the world over as a foremost authority in criminal jurisprudence, and his writings on American legal subjects are held in highest regard.

In view of the publicity which has been given the problem from all sources, both locally and nationally, The Christian Science Monitor representative wrote Dean Pound in his Maine summer home and requested his opinion not only about the situation as a whole, but specifically in regard to the administration of the fine as a penalty. The reply explained that leniency in the courts has grown tremendously as a reaction against old-time brutal punishments, and advocated thorough study and helpful research devoted to a stabilization of the public order.

Dean Pound severely criticized "a momentary crusading hysteria," and contrasted it with a sane regard for the lessons of legal history. The complexity of the trouble was emphasized, and Dean Pound stated his belief that the whole legal machinery must be readjusted to the new conditions under which it has to operate.

The letter follows:

"I do not believe there is much profit in the discussions of American criminal justice and penal methods that have been going on of late. The so-called statistics which are quoted so freely have little or no value. No one knows the whole and exact facts well enough to make much contribution to any permanent solution. Indeed the situation is much more complicated than most people think. Before expressing an opinion upon definite projects, I should want a survey of criminal justice in Massachusetts, so that I might be assured that I knew the facts. I suspect we

should find that there is no one simple remedy to be applied, but that many factors must be considered and our whole machinery must be readjusted to the new conditions under which it has to operate.

"Every student of the history of crime and of penal institutions must be skeptical about projects to bring about a reign of obedience to the overgrown penal code of today simply by a spasm of infliction of drastic punishments. All kinds of men commit all types of offense for all sorts of reasons. Treatment of 'crime' in the abstract is as futile as the old time treatment of 'disease' in the abstract. Not that I mean that all crime is disease or all criminals victims of disease. But crime is as various as disease and offenders are as diverse in it as are patients. It is as unintelligent to prescribe mechanically for all infractions of penal laws as to use one bottle of patent medicine for all bodily ills. Our criminal law is hampered now by limitations and checks and mitigative devices that grew out of reactions from an era of drastic and brutal punishments and mechanical penal methods.

"What we should do is to study the subject thoroughly. Helpful research that is devoted to public health would do great things for public order. Then we must regard the lessons of legal history and not be led into crude legislation by a momentary crusading hysteria.

"Yours very truly,

"ROSCOE POUND."

Small Claims Court Is Coming

This is the story of Mr. Marcus J. Leeming who had a law suit. Mr. Leeming was in the wholesale hay-and-feed business, which has practically nothing to do with this tale. Neither has the fact that he had short red hair, wore glasses and disliked artichokes.

On May 15, 1908, Mr. Leeming loaned his friend, F. Smith, the sum of five dollars. F. Smith was buying a steam yacht and was short of ready cash. On June 28th, Mr. Leeming wrote F. Smith and asked him to return the five dollars; on July 19th he wrote and asked him please to return the five dollars; on September 11th he wrote and asked why the devil he didn't return the five; on

October 9th Mr. Leeming called at the offices of his lawyers, Messrs. Denkwitz, Denkwitz, Denkwitz and Denkwitz.

"I wish to see Mr. Denkwitz," he said to the young lady who was busily manicuring her nails at the telephone desk. Her name was Miss Petherbridge, and she had once been Miss Blankville, Illinois, in the Atlantic City Pageant.

"Mr. W. S. is in a conference," said Miss Petherbridge, daintily trimming the cuticle.

"I always push it with an orange stick," said Mr. Leeming. This broke the ice and they soon became fast friends.

After a lapse of several days or