

September 2021

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### Recommended Citation

Luke J. Kavanaugh, Lawyers' Fees, 1 Denv. B.A. Rec. 7 (1924).

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## LAWYERS' FEES

By Luke J. Kavanaugh

In ancient Greece and Rome, the lawyer was not supposed to make any charges for his services. What he received was a gratuity or present from his client.

In Great Britain at the present time, the rule is that counsellors, advocates and barristers have no right to charge and enforce payment for their services, as they are considered purely honorary. A different rule prevails with regard to attorneys and special pleaders below the Bar.

Judge Sharswood, in his lectures on legal ethics some years ago, stated that in his judgment it had been neither to the honor or profit of the Bar to depart from the ancient rule in regard to the charging of fees. However, the general consensus of opinion in the legal profession now is that Judge Sharswood was mistaken in his views on this subject; that a lawyer as well as anyone else should receive his reward in the payment of reasonable fees, rather than depend upon the gratitude of his clients.

In determining a fee, the lawyer generally takes into consideration the time used, skill employed, the amount involved and the result of the services; whether the person charged is a regular client or not, and especially the customary charges for similar services by lawyers in general practice.

There are a few charges which may be said to have the sanction of custom in Denver. These so-called customary fees apparently were based upon the dollar when it was a dollar. In the dim past charitably inclined attorneys decided that \$15.00 should compensate a lawyer for examining an abstract. People generally seem to think that magnificent sum is the established price. Office furniture and equipment, rent, supplies, stenographers' salaries and attorneys' expenses of every sort, professional and private, have increased from 50 to 200 per cent in recent years.

But the \$15.00 abstract fee, like Tennyson's book, "goes on forever." In a \$5,000.00 real estate transfer, the agent who negotiates the sale

takes his commission of \$250.00, while the lawyer, not being a business man, but a professional man of attainments, receives \$15.00. In transactions more complex or involving more money, the selling agent gets more. So may the Denver lawyer, but the proportion as a rule is relatively the same.

It is not deemed practicable for any organization to determine fees for the lawyer. Standardization of charges is out of the question, but there are flourishing Bar Associations in Colorado, as well as elsewhere, which have agreed upon minimum fees for certain legal services. These charges protect both attorney and client.

Certainly it does not add to the layman's admiration for the profession to learn that an incorporation fee in one office is \$500.00, in another \$250.00, and in a third \$100.00 or even less for the same work. Younger members of the profession especially are ever at a loss upon the question of charges.

The average client is willing to pay adequately for services. However, his ideas of fair fees are frequently based upon what he may hear as to customary charges when there is a custom governing such matters. If there is not, he is only human and therefore may think that the lowest fee he may have heard mentioned, whether real or imaginary, is the most satisfactory to him.

Regardless of the dignity of the profession and what it may think of them, "legal shoppers" are becoming more and more numerous. Clients pay the charges and they are entitled to know what constitutes reasonable fees. The information should be furnished by the profession as a whole.

"The laborer is worthy of his hire." What his hire may be is too frequently a matter of chance. What the minimum should be in many instances should not be difficult for the Denver Bar Association to decide. Lack of stability injures the profession and public alike. With no fundamental basis for charges, one client is likely to pay too much for services, another too little.

Unanimity of thought upon this subject is not expected. "Quot homines, tot sententiae," said Cicero. What do you say?