

NEW YORK STATE BAR ASSOCIATION
Professional Ethics Committee Opinion

The propriety of publicity for charitable gifts depends on the absence of circumstances which make the gift a vehicle for possible client solicitation.

Opinion #104 - 6/10/69 (10-68)

Topic: Fees, Lay Forwarder
Digest: Receiving a fee from a
fire adjuster

Canons: Former Canons 28, 34, 35

QUESTION

An attorney has asked whether it is proper for him to receive a fee from a fire adjuster who has requested that he assist in the legal aspects of a claim against an insurance company for a fire loss. We understand that the adjuster's fee will be paid out of the recovery and may be on a contingent basis.

OPINION

Canon 35 provides that "A lawyer's relation to his client should be personal, and the responsibility should be direct to the client." His services should not be directed or controlled by an intermediary. Canon 34 forbids a lawyer to share fees with persons other than lawyers. Canon 28 prohibits the use of intermediaries to direct legal business to the lawyer.

It would be improper for a lawyer to be retained by a fire adjuster and to share the adjuster's fee, irrespective of whether fixed or contingent. However, where the adjuster on his own initiative suggests to the claimant that the lawyer be retained, it would be proper for the lawyer in direct dealings with the claimant as his client to agree that his fee will be paid out of the recovery and be based upon the amount of the recovery, even though such agreement will have the effect of reducing the fee of the adjuster.

Opinion #105 - 6/10/69 (24-68)

Topic: Use of Academic Degrees
Digest: Improper for lawyers to
make professional use of
title "Doctor", or refer
to academic degrees, in
communicating with the
lay public.

Withdrawn by #105(a)

Canon: Former Canon 27

QUESTION

The following questions have been asked relating to the use of the title "Doctor" by a lawyer holding the J.D. (Juris Doctor) or the S.J.D. (Doctor of Science of Law) degrees.

1. May a lawyer holding a doctor's degree use the title "Doctor" in the performance of normal professional duties, or indicate on his letterhead or elsewhere that he holds this degree?