



## Committee on Professional Ethics

Opinion #302 - 9/12/73 (32-73)

Topic: Sharing of legal fees

Digest: A law school graduate, awaiting admission, may not share in legal fees received by his employer.

Code: EC 3-8  
DR 3-102; 3-103

### QUESTION

May a law school graduate, while awaiting the results of his bar examination, be hired under an agreement which would include compensation in addition to his salary based upon a percentage of the business he brought into the firm?

### OPINION

An unadmitted law school graduate may not share in the legal fees of his employer based upon a percentage of those fees even though business may have been brought into the firm by the law school graduate who performed a substantial part of the work under the supervision of a member of the firm. This would be sharing legal fees with a layman and would be prohibited under EC 3-8.

A lawyer or law firm may not share legal fees with a non-lawyer except in instances not here pertinent. DR 3-102; see N.Y. State 281 (1973); N.Y. State 282 (1973). A lawyer may not form a partnership with a non-lawyer if any of the activities of the partnership consist of the practice of law. DR 3-103. This rule includes any type of joint venture involving the practice of law that may be formed with a non-admitted law school graduate.

N.Y. State 255 (1972); N.Y. State 261 (1972); N.Y. State 299 (1973) concerning the roll of law clerks and paralegal personnel do not extend the general rule set forth under DR 3-102.

Even where additional compensation paid to a law clerk-graduate of law school is sporadic and is not measured or graduated as a percentage of the fees of the business but is more or less arbitrary in amount, it violates the rule that a lawyer should not pay by way of bonus or otherwise to a person not an attorney, a consideration for bringing in business. N.Y. County 80 (1915).

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