



## Committee on Professional Ethics

Opinion #400 - 6/27/75 (46-75) Topic: Attorney's fees

Overruled by N.Y.State 608 (1990) Digest: Improper to use collection agency to collect attorney's fees

Code: EC 2-23.

### QUESTION

May a law firm turn its delinquent accounts over to a collection agency to recover attorneys' fees from former clients?

### OPINION

Bearing in mind that the legal profession is a learned profession and not a mere money-getting trade, an attorney should avoid suing a client for a fee so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services. Lawsuits against clients for legal fees should be resorted to only to prevent injustice, imposition or fraud. EC 2-23; ABA 250, (1943).

EC 2-23 provides in part:

"A lawyer should be zealous in his efforts to avoid controversies over fees with clients and should attempt to resolve amicably any differences on the subject..."

The use of a collection agency as a method to recover attorneys' fees is inconsistent with the dignity and honor of the legal professional and is improper.

-----