

Ethics Opinion No. 76-5

Attorney Obligated to Explain Different Types of Fee Arrangements to Clients Although Attorney May Only Take Cases Under One or More of the Arrangements.

The Committee has been asked the following question:

Do the Canons of Ethics require an attorney to offer a prospective divorce client a choice between a flat fee and an hourly rate?

It is the Committee's opinion, as set forth in the specialized context of Opinion 74-3, that an attorney has an ethical obligation to advise a client fully and fairly as to all the various fee arrangements available for a particular matter, even though that lawyer, himself, would only be willing to undertake the representation on one of those arrangements. This general principle is applicable to divorce cases as well as personal injury actions.

Adopted by the Board of Governors on October 15, 1976.