



**ILLINOIS STATE  
BAR ASSOCIATION**

# **ISBA Advisory Opinion on Professional Conduct**

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**ISBA Advisory Opinions on Professional Conduct are prepared as an educational service to members of the ISBA. While the Opinions express the ISBA interpretation of the Illinois Rules of Professional Conduct and other relevant materials in response to a specific hypothesized fact situation, they do not have the weight of law and should not be relied upon as a substitute for individual legal advice.**

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**This Opinion was AFFIRMED by the Board of Governors in January 2010. Please see the 2010 Illinois Rule of Professional Conduct 1.5(e). This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.**

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**Opinion No. 90-18  
January 29, 1991**

Topic: Referral Fees: Division between referring and receiving lawyers.

Digest: Where a referring lawyer and a receiving lawyer comply with the Rules governing referral fees, the Rules do not regulate the division of the fee between the referring lawyer and the receiving lawyer.

Ref.: Rule 1.5(f), (g)(1) and (2)

## **FACTS**

An attorney refers a personal injury case to a personal injury lawyer. The referring lawyer and the receiving lawyer agree to split the contingent fee equally. The principal service rendered by the referring lawyer is referring the case, however, the referring lawyer agrees to assume the same responsibility for the matter as if he were a partner in the receiving lawyer's firm. There is a written contingent fee agreement with the client and the client consents in writing to the division of the fee between the lawyers. The total fee to the client is reasonable and not increased by virtue of the referral fee.

## **QUESTION**

Where two lawyers comply with the rules of conduct for paying a referral fee, and the referring

lawyer assumes the appropriate responsibility for the matter but otherwise renders no other service, is it a violation of the Rules for the referring lawyer to receive fifty percent of the fee? Under these circumstances is it a violation of the rules for the referring lawyer to receive one third of the fee?

**OPINION**

Assuming the lawyers have complied with Rules 1.5 (f) and (g)(1) and (2) which require, among other things, that the client consent in a writing which discloses the division of the fee, the basis on which it will be made, and the responsibility to be assumed by the referring lawyer, the Rules of Professional Conduct impose no restrictions on the way such reasonable fee may be divided between the lawyers.

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