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## referral fees to non-attorneys

Posted by Brian - 2007/09/05 01:20

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State bar says that a licensed attorney can not provide a referral fee to a non-attorney. Can an attorney just call the fee "advertising"? It seems that if you reclassify it then its ok.

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## Re:referral fees to non-attorneys

Posted by steve - 2007/09/07 02:38

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The answer is...it depends. It depends on the state in which you practice in.

As a general rule, a lawyer in may not pay or accept a referral fee. However, lawyers may pay the "usual charges" of a not-for-profit lawyer referral service or legal service organization. Lawyers and law firms also may engage in cooperative marketing with other firms and may refer clients to each other informally.

You can also contact your local attorney ethics department and get some great advice.

Hope this helps.

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## Re:referral fees to non-attorneys

Posted by Jackie - 2008/01/15 23:40

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I think Brian's question was whether and attorney can give a referral fee to a non-attorney. And I think the answer is no. I'm not even sure what they would call that. I don't doubt that people give kick-backs all the time, but the rules of professional conduct do not permit such acts.

But to get back to the moderator's answer, I'm unclear about what constitutes a "referral fee" from one attorney to another. Assume one of my fellow attorneys, who only practice criminal law, gets a client requesting a will. Obviously the criminal defense attorney can't and won't do any work for this client b/c it's not her area of practice. Instead, she refers it me. Do I owe her a referral fee? If so, why? Especially since she didn't do anything for the client except give him my name. And if so, how much?

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## Re:referral fees to non-attorneys

Posted by Brian - 2008/01/17 02:04

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you dont have to aid in the client representation in order to get a referral fee. And, if someone sends you a referral client you better send them a fee or you will be cut off from referrals. Its the name of the game. As far and non-attorneys are concern, they dont dont get anything. The ABA states than attorneys can not share fees with non-attorneys.

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## Re:referral fees to non-attorneys

Posted by ai1829 - 2008/06/14 05:16

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are you only considered an attorney if you are licensed in that state? So, if I was a Florida Attorney and I send a client to a Texas attorney could I get a referral fee from the TX attorney or do I need to also be licensed in TX?

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## Re:referral fees to non-attorneys

Posted by steve - 2008/06/26 15:18

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Thats right. You are only considered an attorney if you are licensed in that state. So, a referral fee to an attorney not

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licensed in your state may violate ethic rules.

Check with your state ethics rules.

Some firms pay "consulting fees" rather than legal commissions to non-attorneys.

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## Re:referral fees to non-attorneys

Posted by Docket - 2008/07/11 18:58

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to add to this thread. What if you are a licensed attorney but dont practice law. Can you received a referral fee at your other business. Ex I own a restuarant; i am an attorney and I receive a referral fee from an attorney. How does that work?

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## Re:referral fees to non-attorneys

Posted by Miami LS - 2008/07/12 08:59

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Docket -

I would structure the referral fee different. If the payment is made to a restuarant then it will look like a payment to a non-attorney.

The payment should be made to the attorney personally if the attorney doesnt have a law office and then the attorney can report it separatly on the tax return.

I just it can work either way, just I would keep it separate so that you dont have any trouble.

MLS

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