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NEW WLF PROJECT URGES BAR TO REQUIRE REPORTING OF EXCESSIVE FEES

The Washington Legal Foundation (WLF) has launched a new phase of its SCALES ("Stop the Collapse of America's Legal Ethics") Project by petitioning the Florida Bar to require attorneys to file with Bar authorities a copy of any court decision reducing a fee award or application as being excessive or improper, so that appropriate disciplinary proceedings against those attorneys may be instituted. WLF plans to file similar excessive fee petitions over the coming months in all the other states.

All state Bars prohibit attorneys from charging or collecting unreasonable or excessive fees. Disciplinary actions have been taken against attorneys when a client files a complaint with Bar authorities alleging that the attorney has charged an excessive fee. However, in many cases, a court will reduce a fee award where the attorney is required to submit his or her fee request for court approval. In those cases, a Bar complaint is usually not filed, although it has been judicially determined that the fee was excessive. Such findings are made where a court determines that the fee application contains inflated or false claims, or where the amount awarded is excessive based on the amount of work performed, such as in class action cases. WLF's petition would require attorneys to file those adverse decisions with the Bar so that the Bar can decide whether disciplinary proceedings are appropriate.

"Plaintiffs' attorneys must not be allowed to escape the disciplinary process for charging excessive fees just because a complaint was not filed with Bar authorities," said Paul D. Kamenar, WLF's Senior Executive Counsel. "By requiring attorneys to report adverse court decisions, the Bar will be better equipped to take appropriate action," said Kamenar.

WLF's SCALES Project is a nationwide program designed to eliminate abuses in America's civil justice system and improve the professional standards of America's lawyers. WLF's current petition marks the beginning of the fifth phase of the SCALES project. Earlier phases addressed abuses stemming from attorney advertising, contingency fee agreements, lack of public access to the disciplinary process, and campaign contributions to judges by attorneys who practice before them. Numerous states have adopted reforms outlined in WLF's petitions.

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