

Committee Opinion  
December 7, 1983

LEGAL ETHICS OPINION 536

LEGAL FEES/SETTLEMENT  
DISCUSSIONS/FEDERAL CIVIL RIGHTS  
ACTION.

It would not be improper for defense attorneys in civil rights actions to inject attorney's fees into settlement discussions. Plaintiff's counsel may negotiate the amount of his fee during such discussion, but he must first disclose to his client the conflict that may arise and obtain the client's consent to negotiate his fee. Obviously, the attorney cannot compromise his client's position in order to get attorney's fees.

Once the plaintiff's attorney agrees to attorney's fees in settlement discussions, it would be improper for him to raise the matter of attorney's fees with the court in violation of the settlement agreement. [DR:2-105, DR:5-101(A), DR:5-103, DR:5-106 and Canon 9]

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