

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-6
Issued: May 1962

This opinion was decided under the Canons of Professional Ethics, which were in effect from 1946 to 1971. Lawyers should consult the most recent version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), before relying on this opinion.

Question: May an attorney charge in excess of a state statutory fee?

Answer: No.

References: KRS 342.320

OPINION

The Workmen's Compensation Board has requested an Opinion upon the question of whether or not it is unethical for an attorney to charge claimants before the Workmen's Compensation Board fees in excess of the amount fixed by KRS 342.320.

It is the opinion of a majority of the Committee that since the statute fixes the amount of the fee and deprives the Compensation Board of the right to deny or reduce the fee except in the case of solicitation, that the attorney is bound by the statute; that it would be not only unethical but unlawful to contract for a fee in excess of that fixed by the statute.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.