

# Duties to Clients When Others Pay for the Legal Services

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BY DEAN R. DIETRICH

## Question

I am involved in more attorney-client relationships for which another family member is paying for my services. What are my obligations to the paying person and to the person receiving my services?

## Answer

As we think about the 250th birthday of the Declaration of Independence, this question highlights the importance of independent representation of a client even though someone else may be paying the bill for services rendered. This often comes up in family law situations and criminal law matters involving younger individuals when a family member agrees to pay for legal services that are provided to the designated individual. The designated individual is the client of the lawyer to whom all the fiduciary duties are owed even though the family member is paying for the legal fees charged. This situation also arises in instances in which a family member tries to control the representation and make decisions for the actual client whether because of family dynamics or because the family member thinks they know what is best for the client.

Every client is entitled to independent representation from their attorney. SCR 20:1.8(f) gives direction to the lawyer by providing that “a lawyer shall not accept compensation for representing a client from one other than the client unless: (1) the client gives informed consent; (2) there is no interference with the lawyer’s independence or professional judgment or with the client-lawyer relationship; and (3) information relating to representation of a client is protected as required by SCR 20:1.6.”

Simply stated, a lawyer can be paid by a third party who is not the subject of the representation but only if the lawyer provides independent professional judgment to the designated client and there is no interference by the paying party into the attorney-client relationship. Further, the lawyer must carefully protect the client’s confidential information and not disclose that information to the paying person unless the client gives informed consent to allow that to occur.

This requirement of independent representation for the client is a cornerstone of the lawyer-client relationship and ensures that the lawyer is focusing on the needs and desired outcomes determined by the client and not influenced by the desires or demands of the individual who has agreed to pay the legal fees for the client. This often means that the lawyer must walk a fine line between focusing on and protecting the interests of the client from someone else who thinks they have a vested interest in the representation and wants to exercise control or direct the objectives of the representation.

Just like our founders saw the importance of independence from the governing influence of the British, the lawyer must be diligent in ensuring the independent representation of the client and loyalty to the objectives of the client even though someone else is paying the fees for the representation. Ensuring independent representation for the client will be the best way for the lawyer to ensure that the lawyer is acting in the best interest of the client. **WL**



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