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**E-56-1      Unethical to charge 20% fee where no  
true contest in compensation case**

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**Question**

In 1949, Section 102.26(2) was enacted to permit lawyers to charge a *maximum* contingent fee of 20% of the amount collected in contested workmen's compensation cases.

**Opinion**

It is the opinion of this committee that it is clearly unethical for a lawyer to concoct an aura of contest in a case where there is not a true contest or before it is known whether or not there is any conflict, for the sole purpose of applying this maximum percentage.

This is a matter covered by Statutory law within the jurisdiction of the Industrial Commission but in these cases as well as others the ethical lawyer should always control himself by the principles of Canon 12 of the Canons of Professional Ethics as adopted by this association.

(Note—Disciplinary Rule 2-106(B), Code of Professional Responsibility, sets forth the criteria for establishing a reasonable attorney fee. It is similar to previous Canon 12.)