

**Opinion 53**  
**September 1952**  
**18 Baylor L. Rev. 219 (1966)**

**SOLICITATION - STIRRING UP LITIGATION - POWER OF ATTORNEY**

An attorney may not include in a power of attorney executed in his favor a provision by which the attorney assumes full responsibility and liability for all costs and expenses incident to any investigation and litigation that may be necessary.

Canons 24, 25. A.B.A. Canon 42.

**QUESTION**

Is it a violation of law or any Canon of Ethics for a Texas lawyer to include in a power of attorney executed in his favor the following provision: "It is further understood and agreed that our said attorney assumes full responsibility and liability for all costs and expenses incident to any investigation and litigation that may be necessary?"

**OPINION**

The committee is of the opinion that the inclusion of the quoted clause in a power of attorney violates the Barratry Statute, Article 430 of the Penal Code and is in violation of Canons 24 and 25 of the Texas Canons of Ethics, as well as Canon 42 of the American Bar Association. (8-1)