

DIGEST OF ETHICS ADVISORY PANEL
OPINION #89-5, REQUEST #47
Issued May 4, 1989

An attorney seeks Panel advice as to the propriety of giving a gift to a former client under the specific circumstances described. The inquiring attorney states that his former client gave his name to an individual with whom the former client was acquainted and suggested that the individual call the inquiring attorney. The attorney advises the Panel that the individual did call his firm and that the firm's representation of the new client was very successful, resulting in the recovery of a substantial sum of money. The attorney states that he would like to acknowledge his appreciation to the former client with a gift costing less than \$100. The attorney explains that the former client did not make the referral with any expectation of recompense and, furthermore, would be unlikely to come into contact with other individuals or entities who would be potential clients. The attorney states that he has made no promises or agreements to make any further gifts to the former client in exchange for any sort of referral.

Rule 7.2(c) provides, in pertinent part:

(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services . . .

The Panel takes the position that the attorney may not properly give his former client a gift under the circumstances he has described, in light of the clear prohibition of Rule 7.2(c).

Ethics Advisory Panel advice is protective in nature. There is no requirement that an attorney abide by a Panel opinion, but if he or she does, he or she is fully protected from any charge of impropriety.