

May I Donate My Legal Services at a Charity Auction?

Donating Legal Services Can Work:

Several state bar ethics opinions give qualified approval to legal services donations as long as they are set up appropriately. See, e.g. [Nebraska State Bar Opinion 06-11 \(2007\)](#) and [New York State Bar Opinion 971 \(2013\)](#).

However, a well-intentioned donation can easily run amok. For example, the offer to do “a simple will” could be claimed by a client with more complex estate planning issues than they ever realized.

How to do it right:

You need to set up your donation carefully. Your donation should:

- 1) Offer services only in your areas of competence
- 2) Clearly set out your identity and the specific service, or hours of service, offered
- 3) Make clear that no attorney-client relationship is established at purchase and retain the right to decline for conflicts of interest or other reasons
- 4) Make no false or misleading statements

Make sure the auctioneer or organization makes no false or misleading statements when promoting your services. In addition, figure out ahead of time how you'll handle bidders you can't accept. Will the charity refund the bidder's donation, or will you pay them back yourself? Once you've reached agreement with a bidder, remember you've established an attorney-client relationship and all the rules of professional conduct apply, including maintaining client confidentiality. [RPC 1.6](#). See also [Advisory Opinion 1882](#) which discusses an attorney offering free estate planning legal services to an organization's members.

A Practice tip:

Put an expiration date on the offer or you may find yourself being contacted by successful bidders years after the event. Although not obligated by ethics rules, it's smart to limit outstanding certificates.

If you have concerns, contact the WSBA Ethics Line at (800) 945-9722, ext. 8284.