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INFORMAL OPINION 2011-2

May A Lawyer Accept An Entirely Voluntary, Unsolicited Bonus?

A lawyer who achieved an outcome for which her client was especially grateful received payment of her legal bill in full and, by separate check with a note of gratitude, a bonus. The Committee has been asked to assume that the bonus was a modest percentage of the legal fees, and was entirely voluntary, unexpected and unsolicited. The Committee has been asked whether the Rules of Professional Conduct permit the lawyer to accept the bonus. In our opinion they do.

The Rules of Professional Conduct require that legal fees be reasonable. Rule 1.5. The Rules do not regulate totally voluntary, unsolicited bonuses intentionally paid by clients in appreciation for their lawyers' work. Based on the limited facts the Committee has been asked to assume, nothing in the Rules prohibits the lawyer from accepting the bonus.

THE COMMITTEE ON PROFESSIONAL ETHICS

By _____

Wick R. Chambers, Chair