



Dear Ethics Lawyer™

The Legal Ethics Project. Supporting professionalism with information.

Q: Dear Ethics Lawyer,

My good client Johnson recommended me to another prospect who has hired me for a major case. Can I properly give Johnson a nice gift certificate as a "thank you" for his recommendation?

A: Gratitude is almost always a good expression, but in this case the answer depends on your definition of "nice." Model Rule 7.2(b) states that a lawyer shall not compensate, give or promise "anything of value to a person for recommending the lawyer's services except that the lawyer may:...(5) give nominal gifts as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's service." A modest gift card not scaled to the level of a share of the fee earned from the case referred to you would fall within this standard, and be appropriate. A gift certificate for a weeklong river cruise in Europe with a private butler and complimentary wine service would not.

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About Dear Ethics Lawyer

The twice-monthly "Dear Ethics Lawyer" column is part of a training regimen of the Legal Ethics Project, authored by [Mark Hinderks](#), former managing partner and counsel to an AmLaw 132 firm; Fellow, American College of Trial Lawyers; and speaker/author on professional responsibility for more than 25 years. Mark leads Stinson LLP's [Legal Ethics & Professional Responsibility](#) practice, offering advice and "second opinions" to lawyers and law firms, consulting and testifying expert service, training, mediation/arbitration and representation in malpractice litigation. The submission of questions for future columns is welcome: please send to mark.hinderks@stinson.com.

Discussion presented here is based on the ABA Model Rules of Professional Conduct, but the Model Rules are adopted in different and amended versions, and interpreted in different ways in various places. Always check the rules and authorities applicable in your relevant jurisdiction – the result may be completely different.