

REPORT . . . LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

By

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Lawyers and Gifts

At its most recent meeting, the Lawyers Professional Responsibility Board considered and reaffirmed the existing policy and rules that prohibit the giving of gifts by attorneys to public officials or any employee of a tribunal before which the attorney practices. Disciplinary Rule 7-110(A) of the Code of Professional Responsibility provides, in pertinent part:

“A lawyer shall not give or lend anything of value to a judge, official or employee of a tribunal except as permitted by Section C(4) of Canon 5 of the Code of Judicial Conduct . . .”

The Board, in reaffirming the intent of this provision, asked that the following general policy be communicated to the profession:

It is improper for an attorney or a law firm to give gifts of even nominal value to any official or employee of a tribunal before which the attorney or law firm practices. Without limiting the foregoing, this prohibition expressly applies to Christmas or other holiday gift-giving by attorneys and law firms. Attorneys may make gifts to employees or officials of tribunals before which they practice only in the circumstances enumerated in Section C(4) of Canon 5 of the Code of Judicial Conduct.

The exceptions contained in Section C(4), Canon 5, Code on Judicial Conduct, as they might relate to gifts made by an attorney, include:

- Gifts incident to a public testimonial
- An invitation to attend a bar-related function or activity devoted to the improvement of the law, the legal system, judicial administration, or the administration of justice.
- Ordinary social hospitality
- A gift, bequest, favor, or loan from a relative
- A wedding or engagement gift.