

* The proposed amendment to Professional Conduct Rule 1.8 would allow lawyers providing pro bono services to make small gifts of transportation, lodging, meals, or clothing to clients when such gifts facilitate legal representation.

Rule 1.8. Conflict of Interest: Current Clients: Specific Rules

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(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

...

(3) a lawyer who represents an indigent client at no fee to the indigent client, including through a nonprofit legal services or public interest organization or through a law school clinical or pro bono program, may pay for or provide the following types of assistance to the client if reasonably necessary to permit the client to institute or maintain the litigation or administrative proceeding: (i) transportation; (ii) lodging if it is less costly than providing transportation for multiple days; (iii) meals; or (iv) clothing.

Assistance may be provided under this paragraph even if the indigent client's representation is eligible for a fee under a fee-shifting schedule.

(4) any assistance provided under paragraph (3) must be delivered at no fee to the indigent client, and the lawyer may not: (i) promise, assure, or imply the availability of such assistance prior to retention or as an inducement to continue the client-lawyer relationship after retention; (ii) seek or accept reimbursement from the client, a relative of the client, or anyone affiliated with the client; and (iii) publicize or advertise a willingness to provide such assistance to prospective clients.

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Comment

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Assistance to Indigent Clients

[22] Lawyers are not permitted to provide assistance in other contemplated or pending litigation in which the lawyer may eventually recover a fee, such as contingent-fee personal injury cases or cases involving contractual fee-shifting provisions, even if the lawyer does not eventually receive a fee.

Proposed amendment to the Indiana Rules of Professional Conduct (June 2026)

[23] To the extent inexpensive lodging is provided, a client may not be lodged at a property owned by the lawyer or a property in which the lawyer has an ownership interest.

[24] In accordance with Rule 1.15, lawyers must maintain on a current basis a record of the financial assistance provided to indigent clients, along with the value or approximate value of assistance provided.