

INDIANA STATE BAR ASSOCIATION
LEGAL ETHICS SUBCOMMITTEE

OPINION NO. 8 OF 1978

Credit Cards

QUESTION

In light of the recent amendments (See Res Gestae, January, 1978, pgs. 14-20, 42) to Canon 2 of the Indiana Code of Professional Responsibility regarding advertising, the Legal Ethics Subcommittee has been requested to reconsider Indiana Formal Opinion No. 4 of 1975 relating to the use of credit cards for the payment of legal fees.

DISCUSSION

Indiana Opinion No. 4 of 1975 sets out four conditions that should be met before any attorney in Indiana may use a credit card arrangement for the payment of fees. The effect of the recent amendments to the Indiana Code of Professional Responsibility on all four conditions will be discussed below.

Condition No. 1

Indiana Opinion No. 4 of 1975 provides that:

"(1) The plan must be approved by the ethics committee of the local bar association. (Local bar associations, if they desire to use credit card arrangements, and do not have an active ethics committee, should appoint such a committee prior to implementing a credit card plan. If the local bar association fails to appoint such a committee, the local bar association may submit the proposed plan to the Legal Ethics Committee of the Indiana State Bar Association for its approval.)"

Recent amendments to the Indiana Code of Professional Responsibility regarding advertising do not affect Condition No. 1, as advertising was only one of the many considerations before the Subcommittee at the time Indiana Opinion No. 4 of 1975 was drafted. However, the Subcommittee believes that it has no authority to approve any credit card plan. Subcommittee opinions are advisory only. Thus, Condition No. 1 is withdrawn.