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April 30, 2021

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Supreme Court Building Suite 321
401 7th Avenue North
Nashville, TN 37219-1407

Justice Cornelia A. Clark
Supreme Court Building Suite 318
401 7th Avenue North
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Justice Holly Kirby
100 Peabody Place
Memphis, TN 38103

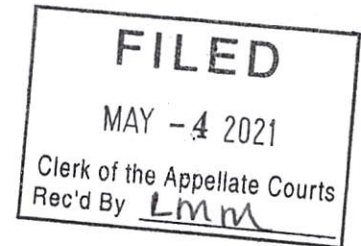
Justice Sharon G. Lee
505 Main Street Suite 236
Knoxville, TN 37902

Justice Roger A. Page
#6 Highway 45 Bypass
Jackson, TN 38301

Dear Tennessee Supreme Court Justices:

I am writing to request your consideration of an exception to Model Rule 1.8 (e) that would allow non-profit legal assistance organizations to provide humanitarian aid to low income clients.

Situation: TALS is preparing to enter an agreement with the Tennessee Department of Human Services to expand our 2Gen/whole family civil legal assistance program from its current service area of eight counties to all ninety-five counties. The expansion opportunity arose when DHS asked TALS and its legal aid partners to create a 2Gen legal assistance program with a focus on helping families avoid homelessness. To do this, TALS and its legal aid partners have created a financial assistance program, funded through the reimbursement based grant using TANF funding, whereby rent, rental/utility arrearages, housing debts, and resettlement costs will be paid to providers on behalf of qualifying clients as part of the holistic legal services we provide.



ADM2021-00464

We are not aware of any other legal assistance program using TANF funding in this holistic way to include financial and legal assistance, and we are excited about the opportunity DHS is providing to help Tennessee families become more economically self-sufficient. Significantly, the financial assistance component of our program will have the important added community benefit of financially helping landlords, who like our client population, have also suffered greatly as a result of the pandemic.

Challenge: Because Rule 1.8 (e) prohibits attorneys from giving financial assistance to clients, our financial assistance program is designed to be managed by TALS for all 95 counties. The cycle time for processing payments to third parties from TALS will require five to seven business days because we will need to receive and review the application, set the recipient up in our payment system for processing and issue payment to the third party recipient, e.g., landlord, utility company, or moving company. TALS will be managing the volume of requests from all 95 counties. The centralized system will be particularly challenging to execute quickly to prevent eviction in rural counties where Mom and Pop landlords may require checks instead of electronic funds transfers. TALS's board member, Spring Miller, Associate Dean of Public Interest and Lecturer at Law at Vanderbilt University Law School, and her students volunteered to research:

- (1) How Tennessee's Rule 1.8 (e) would apply to the financial assistance program for low income clients described above;
- (2) How other states and the ABA Model Rules address the provision of financial assistance to indigent clients in light of the restrictions in Rule 1.8 (e).

Their memo is attached to this letter for use in evaluating TALS's request.

Request: TALS's prayer is that the Court consider entering a special Order interpreting Rule 1.8 (e) to clarify that when a non-profit organization providing free legal aid to indigent clients has received donations or other funding to provide humanitarian aid to persons in need, such as financial assistance to pay for food, clothing, shelter or transportation, the organization's use of such donations or other funding to provide humanitarian aid to its clients or the clients' families shall not be deemed a violation of the Rule.

The proposed effective date of the grant is June 1, 2021. While a Special Order would be most helpful prior to that date, we are confident that the Court's consideration of this matter, even after that date, would still have significant impact on those needing this assistance the most.

Sincerely,



Ann Pruitt
Executive Director

TO: Tennessee Alliance Legal Services Executive Director Ann Pruitt
FROM: Vanderbilt Law School students¹ Bria Black '23, Justin Brooks '23, Emily Slifkin, '21
RE: Rule 1.8(e) Humanitarian Exception Research
DATE: April 13, 2021

I. Introduction and Statement of the Issue

The coronavirus pandemic has created a crisis of economic and housing insecurity for low-income Tennesseans. As part of a program to address second generational poverty, the Tennessee Alliance for Legal Services (TALS) and its partners, the state's four Legal Services Corporation (LSC)-funded non-profit legal aid organizations, are planing to contract with the TN Department of Human Services to provide 2Gen (whole family) based civil legal services to qualifying families. The program will include a financial assistance component to facilitate the provision of rental and other assistance to low-income clients facing housing instability and eviction. The assistance will take the form of payments to third parties to cover qualifying low-income clients' rental and utility arrearages, provide them short-term rental assistance, or to resettle them in more affordable or habitable housing. The program will be funded with a grant from the Tennessee Department of Human Services (DHS), using Temporary Assistance for Needy Families (TANF) funding. The funds are available only in the form of a reimbursement grant, so TALS must make the payments to third parties on behalf of eligible clients and then seek reimbursement from DHS. Currently, the financial assistance program is being designed for a centralized structure, with TALS receiving requests for qualifying expenses and making payments to landlords and other third party providers statewide. The assistance will benefit not only low-income families at risk of eviction, but their landlords and the community at large. TALS is exploring a de-centralized approach that would allow its partner legal aid firms to provide the financial assistance to qualifying landlords and other third party providers as a way to expedite the processing of payments, which will take approximately five business days under the centralized process.

Tennessee Rule of Professional Conduct 1.8(e) prohibits attorneys from providing financial assistance to a client in connection with pending or contemplated litigation. The rule contains an exception permitting a lawyer representing an indigent client to pay court costs and expenses of litigation on behalf of the client. Tenn. R. Prof'l Conduct 1.8(e)(2). Comment 10 to the Rule states that attorneys may not make or guarantee loans to clients for living expenses because to do so "would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation." *Id.*, cmt. 10.

TALS requested research on two questions:

- (1) How Tennessee's Rule 1.8(e) would apply to the financial assistance program for low-income clients described above;

¹ The students conducted this research and memo writing as a not-for-credit pro bono project under the supervision of Spring Miller, VLS Lecturer in Law and Assistant Dean for Public Interest.

- (2) How other states and the ABA Model Rules address the provision of financial assistance to indigent clients in light of the restrictions in Rule 1.8(e).

With regard to Question 1, it could be argued that rental assistance for clients experiencing housing insecurity and possible eviction falls into the category of litigation expenses, which would make the program permissible under the exception for lawyers representing indigent clients in Tenn. R. Prof'l Conduct 1.8(e)(2). However, there is no Tennessee-specific authority addressing the scope of the 1.8(e)(2) exception. Moreover, in response to a request for an informal advisory opinion from TALS on the matter, the Board of Professional Responsibility of the Supreme Court of Tennessee (BPR) opined that the rental assistance to be rendered through the program likely fell into the category of living expenses, not litigation expenses, and as such would run afoul of 1.8(e). Without further guidance from the BPR or the Supreme Court of Tennessee, any legal aid attorney whose employer organization provides financial assistance to clients through the program described above risks being found to have violated Tenn. R. Prof'l Conduct 1.8.

Part II of this memo addresses Question 2, i.e. how other states and the ABA Model Rules treat the provision of financial and humanitarian assistance to clients under Rule 1.8(e).

II. Rule 1.8(e) and the “Humanitarian Assistance” Exception

The rationale underlying the general prohibition on lawyer provision of financial assistance to clients in Rule 1.8(e) is rooted in the profession’s long-standing concerns about champerty and maintenance, as explained in Comment 10 to Rule 1.8 of the ABA Model Rules:

Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses, because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation.

Model Rules of Prof'l Conduct R. 1.8, cmt. 10 (2020).

In recent years, however, a growing number of states and the ABA itself have recognized or created narrow exceptions to Rule 1.8 to give attorneys serving indigent clients some discretion to provide financial assistance to those clients struggling to secure the basic necessities of life. The pandemic seems to have provided additional impetus to this national trend. This section provides a brief overview of recent ABA changes and spotlights some states’ rules, without attempting to present a comprehensive state-by-state analysis.

A. The ABA Model Rules of Professional Conduct

In August 2020, the American Bar Association (ABA) House of Delegates adopted an Amendment to its Model Rule of Professional Conduct 1.8(e) to create a humanitarian exception permitting pro bono lawyers representing indigent clients to provide “modest gifts” for basic living expenses. ABA Model R. Prof. Conduct 1.8(e) now reads:

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may provide modest gifts to the client for food, rent, transportation, medicine and other basic living expenses. The lawyer:

- (i) may not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;
- (ii) may not seek or accept reimbursement from the client, a relative of the client or anyone affiliated with the client; and
- (iii) may not publicize or advertise a willingness to provide such gifts to prospective clients.

2020 Model Rules of Prof. Conduct 1.8(e)(3). In its Report to the House of Delegates introducing the Resolution, the ABA Standing Committee on Ethics and Professional Responsibility and the Standing Committee on Legal Aid and Indigent Defense noted that the changes would promote equal justice under the law by “enabling the most financially vulnerable clients to vindicate their rights in court within the proposed rule’s restrictions.”² Moreover, because the modest financial assistance permitted by the rule may take the form only of a gift, not a loan, “there is no interest in recoupment that could affect the lawyer’s advice.”³

B. States’ Humanitarian Exceptions

A number of states have adopted their own exceptions to Rule 1.8(e)’s prohibition against financial assistance.⁴ This memo highlights several of them, without attempting to present a comprehensive survey.

In response to the humanitarian crises brought on by the pandemic, the Massachusetts Supreme Court issued an order in June 2020 clarifying that that 1.8(e) did not prohibit nonprofit legal service providers from providing financial assistance to their clients. Other states, such as New York, Washington D.C., Mississippi, New Jersey, Louisiana, and Texas, have longer-standing exceptions.

Massachusetts

² ABA Standing Committee on Ethics and Professional Responsibility and the Standing Committee on Legal Aid and Indigent Defense, Report to the House of Delegates, submitted Aug. 2020, at 2, available at https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/scepr-revised-resolution-and-report-107-to-rules-calendar071020-with-tracks.pdf.

³ Id.

⁴ The ABA Standing Committee on Ethics and Professional Responsibility and the Standing Committee on Legal Aid and Indigent Defense Report in Support of its Resolution to Revise MPRC 1.8(e) noted eleven jurisdictions that have created “humanitarian exceptions” to 1.8(e). Id. at footnote 28.

Rule 1.8(e) of the Massachusetts Rules of Professional Conduct shares identical language with Tenn. R. Prof. C. 1.8(e). Last summer, the Supreme Judicial Court of Massachusetts issued an order clarifying that non-profit legal organizations' provision of financial assistance to indigent clients does not violate the Rule:

When a non-profit organization that provides free legal and other services to indigent clients has received donations or other funding to provide humanitarian aid to persons in need, such as financial assistance to pay for food, clothing, shelter, or transportation, the organization's use of such donations or other funding to provide humanitarian aid to its clients, or the clients' families, shall not be deemed a violation of Rule 1.8(e) of the Massachusetts Rules of Professional Conduct.

Order Concerning Humanitarian Aid by Non-profit Organizations and Mass. R. Prof. C. 1.8(e), (2020).⁵ The order was issued “[i]n light of the extreme economic hardships caused by the COVID-19 (coronavirus) pandemic.” *Id.* It took effect immediately and will remain in effect until further order of the Court. *Id.* No disciplinary proceedings or adjudicatory cases have been issued pursuant to this rule clarification.

While other states have yet to issue similar clarifying orders in response to the pandemic, some already have broader financial assistance rules that may already permit financial assistance for living expenses to indigent clients.

Washington D.C.

The District of Columbia's Rules of Professional Conduct address financial assistance in Rule 1.8(d), which permits attorneys to provide “[o]ther financial assistance which is reasonably necessary to permit the client to institute or maintain the litigation or administrative proceedings.” D.C. R. Prof. Conduct 1.8(d)(2). The Rule's comments clarify that clients are not responsible for paying back any financial assistance, and “that a lawyer may also pay certain expenses of a client that are not litigation expenses.” D.C. R. Prof. Conduct 1.8, Cmt. 9. The comment expressly contemplates financial assistance with “medical or living expenses of a client to the extent necessary to permit the client to continue the litigation.” *Id.* The comments do limit such assistance to “those strictly necessary to sustain the client during the litigation, such as medical expenses and minimum living expenses.” *Id.* This exception was made to prevent inequitable situations in which a client would settle a claim on unfavorable terms simply because financial hardship prevented further litigation. *Id.*

New York

In June 2020, New York's version of Rule 1.8(e) was amended to include the following exception:

a lawyer providing legal services without fee, a not-for-profit legal service or

⁵ The order is available online: [Supreme Judicial Court Order concerning humanitarian aid by non-profit organizations and Mass. R. Prof. C. 1.8\(e\) | Mass.gov](#)

public interest organization, or a law school clinical or pro bono program, may provide financial assistance to indigent clients but may not promise or assure financial assistance prior to retention, or as an inducement to continue the lawyer-client relationship. Funds raised for any legal services or public interest organization for purposes of providing legal services will not be considered useable for providing financial assistance to indigent clients, and financial assistance referenced in this subsection may not include loans or any other form of support that causes the client to be financially beholden to the provider of the assistance.

N.Y. R. Prof. Conduct 1.8(e)(4) (2020).

This is an expansion of the standard rule that lawyers may only pay litigation costs for indigent clients. The process of engagement by the bar and state pro bono leaders that led to adoption of the Amendment illustrates the considerations at play in the creation of humanitarian exceptions to Rule 1.8(e).

In March 2018, the New York City Bar proposed an amendment to New York's Rule 1.8(e). This expansion was for the purpose of allowing attorneys handling pro bono matters to provide financial assistance to indigent clients, beyond the court costs and expenses of litigation allowed by the current rule.⁶ This proposed rule was very similar to the currently adopted rule. The city bar proposed the rule in response to an immigration case where lawyers worked to help an Iranian family travel to the United States, including assisting with the expenses associated with travel and the costs of staying in the United States. Under the old rule, if the lawyers were representing the family in connection with litigation, the lawyers could be subject to a violation of the rules. The city bar reasoned that New York should enhance justice and facilitate the charitable actions of public service lawyers, while maintaining a narrow focus and safeguards as to not sacrifice the goals of the Rule of Professional Conduct.⁷

In 2019, the Association of the Bar of the City of New York Committee on Professional Ethics produced a memorandum, before Part 4 was added to the rule, clarifying that legal services agencies may not provide financial assistance to clients outside of litigation expenses.⁸ The memorandum clarified that a lawyer "may, however, assist the litigant in obtaining the financial support from an individual or entity outside the firm who is not acting at the lawyer's discretion."⁹ This could include obtaining financial support regarding non-litigation expenses from an individual or entity which is entirely independent of the lawyer. Helping a client secure outside financial support did

⁶ New York City Bar Association, Committee on Professional Ethics, Proposed Amendment to Rule 1.8(e), Rules of Professional Conduct, Mar. 16, 2018 available at https://s3.amazonaws.com/documents.nycbar.org/files/2017292-Amending_Rule_1-8e.pdf.

⁷ Id.

⁸ New York City Bar Association, Committee on Professional Ethics, Formal Opinion 2019-6, July 22, 2019 available at <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/formal-opinion-2019-6-provision-of-financial-assistance-to-indigent-clients-in-administrative-proceedings>.

⁹ Id.

not implicate the lawyer in terms of Rule 1.8(e).¹⁰ This appears to be a precursor to the addition of Part 4 to the Rule.

In April 2020, the Professional Responsibility Committee, Professional Ethics Committee, and Professional Discipline Committee of the New York City Bar urged the New York State courts to adopt a proposed amendment to the New York Rules of Professional Conduct to create the “humanitarian exception.”¹¹ This letter was in response to the severe financial consequences New York State residents experienced because of the pandemic, and the fact that lawyers who were providing pro bono services to those dealing with repercussions of the pandemic who wanted to provide financial assistance to indigent clients would be prohibited from doing so under the previous ethics rule. During an unprecedented time of hardship, the humanitarian exception would allow lawyers to provide financial assistance to those in need. The Administrative Board of the Courts adopted the rule in June 2020.

New Jersey

New Jersey has expanded its rule 1.8(e) to include the language in Part 3:

A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that: ... (3) a legal services or public interest organization, a law school clinical or pro bono program, or an attorney providing qualifying pro bono service as defined in R. 1:21-11(a), may provide financial assistance to indigent clients whom the organization, program, or attorney is representing without fee.

N.J. Rule Prof'l Conduct Rule 1.8(e)(3).

Mississippi

Mississippi's version of Rule 1.8(e) provides that:

A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, or administrative proceedings, except that: ... (2) A lawyer representing a client may, in addition to the above, advance the following costs and expenses on behalf of the client, which shall be repaid upon successful conclusion of the matter; (a) reasonable and necessary medical expenses associated with treatment for the injury giving rise to the litigation or administrative proceeding for which the client seeks legal representation; and (b) reasonable and necessary living expenses incurred.

Miss. R. Prof Conduct 1.8.(e)(2).

¹⁰Id.

¹¹ Letter from New York City Bar Association President and Chairs of Professional Responsibility Committee, Professional Ethics Committee, and Professional Discipline Committee to New York State's Chief Judge and the Presiding Justices of the Appellate Divisions of New York State's Supreme Court, Apr. 24, 2020 available at <https://s3.amazonaws.com/documents.nycbar.org/files/2020698-HumanitarianException.pdf>.

The Rule clarifies that the expenses enumerated in the rule “can only be advanced to a client under dire and necessitous circumstances, and shall be limited to minimal living expenses of minor sums such as those necessary to prevent foreclosure or repossession or for necessary medical treatment.” Miss. R. Prof. Conduct 1.8(e) (amended Oct. 21, 1999). This narrows when and why financial assistance can be given. Financial assistance to clients is also subject to constraints such as the payments cannot include a promise of future payments and funds may only be advanced after due diligence and inquiry into the circumstances of the client. Payments are limited to \$1,500 by any one party by any lawyer or group of lawyers during the continuation of litigation unless further payment is approved by the Standing Committee on Ethics of the Mississippi Bar. *Id.*

Texas

The Texas Disciplinary Rules of Professional Conduct’s relevant conflict of interest provisions are found under Rule 1.08(d):

- (d) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation or administrative proceedings, except that:
- (1) a lawyer may advance or guarantee court costs, expenses of litigation or administrative proceedings, and reasonably necessary medical and living expenses, the repayment of which may be contingent on the outcome of the matter; and
 - (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

The Tex. Rule of Prof. Conduct 1.08(d)(1) expressly states a humanitarian assistance exception, allowing for a lawyer to provide “reasonably necessary living expenses.” A Comment under the Acquisition of Interest in Litigation section explains that “a lawyer should not incur such expenses unless the client has entered into a written agreement complying with paragraph (a) that contains a full disclosure of the nature and amount of the possible expenses and the relationship between the lawyer and the other entity involved.” *Id.* Therefore, as long as the lawyer and client have entered into a written agreement with full disclosure, a lawyer is able to help that client with living expenses. An agreement as such could eliminate any potential conflicts of interest between a client and an attorney because the terms will be clearly understood and agreed to by both parties. *Id.*

Louisiana

Louisiana’s voluminous Rule 1.8(e) allows attorneys to provide financial assistance outside of court and litigation expenses to clients “in necessitous circumstances.” La. R. Prof’l Conduct 1.8(e)(4). Such financial assistance is permitted in “the minimum sum necessary” to address a client’s need for food, utilities, and “other document expenses necessary for subsistence.” *Id.* The scope of this assistance is not limited to the client, but may also be extended to the client’s spouse and dependents. *Id.*

Louisiana’s financial assistance exception has its origin in case law several decades ago. In 1976, the Supreme Court of Louisiana refused to discipline an employee

for assisting a client with minimal living expenses the client would ultimately be responsible for paying back. *Chittenden v. State Farm Mut. Auto. Ins. Co.*, 788 So.2d 1140, 1145-46 (Louisiana 2001) (citing *Louisiana State Bar Ass'n v. Edwins*, 329 So.2d 437, 446 (Louisiana 1976)). The court justified its decision under the rationale that without financial assistance, indigent litigants will be forced to accept unfair settlements because they cannot withstand the necessary delays of litigation. *Edwins*, 329 So.2d at 466. The Louisiana Rules of Professional Conduct codified the Court's decision, but Rule 1.8(e) excludes language requiring clients to reimburse attorneys for financial assistance with minimal living expenses. La. R. Prof'l Conduct 1.8(e).

California

The relevant conflict of interest Rule in California's Rules of Professional Conduct is Rule 1.8.5(b). Rule 1.8.5(b)(4) states the following:

A lawyer may pay the costs of prosecuting or defending a claim or action, or of otherwise protecting or promoting the interests of an indigent person* in a matter in which the lawyer represents the client.

Cal. Rules of Prof. Conduct Rule 1.8.5.

The phrase "protecting or promoting the interests of an indigent person" is broad, but there is no express prohibition that living expenses shall not fall within this category of costs covered under Rule 1.8.5(b)(4). Furthermore, 1.8.5(c) defines what "costs" are for the purpose of Rule 1.8.5(b). *Id.* Under that Rule, "costs may include any reasonable expenses of litigation, including court costs, and reasonable expenses in preparing for litigation or in providing other legal services to the client." *Id.* This broad language provides an outlet for a humanitarian assistance exception, if a case can be made that living expenses fall within costs for the purpose of this provision.

C. Limits on Humanitarian Exceptions to Rule 1.8

While the ABA and states noted above have created or interpreted a humanitarian exception to Rule 1.8(e), our research identified several states described below whose ethics boards have considered and retained limitations on their respective financial assistance rules even for indigent clients. In our research we did not identify instances of state Supreme Courts who considered but rejected amendments to Rule 1.8. It is possible that such instances exist; time constraints prevented us from conducting an exhaustive survey of all proposed amendments to state rules of professional conduct.

Utah

Rule 1.8(e) of the Utah Rules of Professional Conduct tracks with Tennessee's Rule 1.8(e) up until subsection (2), which provides that an attorney for an indigent client may pay "minor expenses reasonably connected to the litigation." Utah R. Prof. Conduct 1.8(e)(2). The official comments clarify that such financial assistance includes "transportation,

communications, or lodging that would be required or desirable to assist the indigent client in the course of the litigation.” Utah R. Prof. Conduct 1.8, cmt. 10a.

However, the Utah State Bar Ethics Advisory Opinion Committee clarified that 1.8(e)(2)’s exception for minor expenses does not encompass the payment of all living expenses.¹² The Committee provided this clarification within the context of an attorney providing an incarcerated client with monthly payments equal to the maximum amount of money the client would be allowed to spend in the prison commissary.¹³ The Committee reasoned that subsidizing the inmate’s commissary funds would be equivalent to paying the inmate’s living expenses, because it would nullify the need for the inmate to perform prison work. While the Committee did reflect that the conflict of interest concerns underlying the Rule’s prohibition on the payment of living expenses would be softened in the context of pro bono representation, the Committee did not state that assistance with those expenses would be permitted in that context.¹⁴

Maryland

In a 2001 ethics decision, the Maryland State Bar Association Committee on Ethics expressly declined to make a humanitarian aid exception to Rule 1.8(e).¹⁵ In the decision, the Committee addressed the question of whether an attorney may provide free housing and other necessities to a client, assuming that the client would endure extreme hardship without such assistance.¹⁶ The Committee concluded that such assistance would be a violation of the Rule, regardless of the humanitarian intent of the attorney. While the Committee acknowledged the harshness of the rule in humanitarian contexts, it was unwilling to make an exception in light of concerns about unfair competition among attorneys and conflicts of interest.¹⁷

III. Conclusion

Under current Tennessee law, any legal aid attorney representing a client in actual or contemplated litigation who provides, or whose non-profit employer provides, financial assistance to clients for even modest living expenses, risks being found to have violated Tenn. R. Prof. Conduct 1.8. There is ample authority from the ABA and other states, however, to support the proposition that interpreting or amending Rule 1.8(e) to create a narrow exception permitting pro bono attorneys to provide their indigent clients with financial assistance for the basic necessities of life advances equal access to justice and the public interest without entangling the lawyer in the client’s financial affairs or undermining the lawyer’s ability to render independent professional advice.

¹² Utah Ethics Opinion No. 11-02 (Utah Advisory Opinion Comm. 2011), available at <https://www.utahbar.org/wp-content/uploads/2017/11/2011-02.pdf>.

¹³ Id.

¹⁴ Id.

¹⁵ Md. Ethics Docket 2001-10 (2001), available at <https://www.msba.org/ethics-opinions/financial-assistance-to-a-client-by-gift/>.

¹⁶ Id.

¹⁷ Id.