

Committee Opinion
July 21, 1982

LEGAL ETHICS OPINION 458

TRUST ACCOUNT REQUIREMENTS/
LEGAL AID OFFICES.

It is not ethically permissible for a legal aid society to withdraw from its trust account, for its own use, funds which it has received from former clients for costs advanced, which funds were not used. This is true even though the former clients cannot now be located although the society has made a diligent search for them. In the future, it would be ethically permissible for the legal aid society to request that its clients, at the time of their making a deposit for costs, sign a consent form authorizing the legal aid office to keep unused client funds as a donation to the legal aid program, provided a full explanation is given to the client and no pressure is exerted to secure the consent. [See DR:9-102, DR:9-103, and ABA Informal Opinion 1391, June 3, 1977.]

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