

Hinderks Examines Ethical Implications of Client Gifts in Estate Planning in *The Legal Intelligencer*

In the News

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Stinson LLP Senior Counsel [Mark Hinderks](#) authored a column for *The Legal Intelligencer*, "Ethics of Preparing an Estate Plan That Includes a Gift to a Relative of the Lawyer."

Hinderks addresses the ethical considerations attorneys face when receiving gifts from clients, specifically in the context of drafting legal documents for protecting assets. Hinderks examines Model Rule 1.8(c), which prohibits an attorney from preparing a document for a client that gives the attorney or a person related to the attorney any substantial gift, unless the attorney or recipient is related to the client. He explores a scenario where an attorney is preparing an estate plan for a friend-turned-client, which includes gifting a potentially valuable gift to the attorney's daughter, who is the goddaughter of the client.

Hinderks provides insight for whether the "close, familiar relationship" exception in the rule could extend to a goddaughter. He says the determination hinges on the closeness between the goddaughter and the client, and recommends referral of this representation to another attorney so there is no question about the enforceability of the client's requests.

Hinderks leads the firm's Legal Ethics & Professional Responsibility practice. He is the author of *Dear Ethics Lawyer*, a twice-monthly newsletter with questions and answers concerning legal ethics, and a co-founder and presenter of "Ethics for Good," a twice-annual stage show which uses humor, skits and real-world scenarios to teach legal ethics to lawyers. Hinderks has presented more than 135 programs on legal ethics over the past 30 years, has authored many articles and handbook chapters on legal ethics, and has been deeply involved in professional organizations with legal ethics and professional responsibility as their focus.

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