

ETHICS OPINION

900409

QUESTION PRESENTED: Are attorney sales of "do it yourself" divorce kits ethical?

ANSWER: No.

ANALYSIS: Model Rule 1.1 provides:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Implicit in the sale of these kits is the assumption that the purchaser/client will be able to handle the matter without much, if any additional legal advice.

The concern is that the client, having purchased the kit from an attorney, will assume that it meets his needs without further consultation with an attorney. This presents the very real possibility that the client will suffer harm as a result of failure of the kit to meet particular needs (which may not have even been contemplated when the kit was sold).

The seller/attorney is placed in the position of having made such a kit available to the purchaser/client without being able to monitor the peculiar needs of the client. The providing of legal services cannot be equated to the sale of a product. Such services often must be tailored to the unique needs of each client.

THIS OPINION IS ADVISORY ONLY