
**E-75-0 Corporation maintaining a bail fund to
aid the indigent criminally accused**

Attorneys on the staff of the Non-profit Legal Services Corporation are not permitted to carry on a private practice and are full-time employees of the corporation. The bail fund is administered as a convenience to an organization having received contributions from a religious organization.

The non-profit corporation has several lawyers on its staff licensed to practice law in the State of Wisconsin, whether or not they avail themselves of the legal services of the non-profit corporation, and there are several offices located throughout the State of Wisconsin.

We direct attention to Section 757.34 of the Wisconsin Statutes which clearly states that no practicing attorney in this state shall be taken as bail or security on any undertaking, bond or recognizance in any civil or criminal proceeding. We feel that we should also direct attention to DR 2-103 of the Code of Professional Responsibility which says that a lawyer shall not compensate or give anything of value to a person or organization to recommend or secure his employment by a client, or as a reward for having made a recommendation resulting in his employment by a client.

We further direct attention to DR 5-103, particularly DR 5-103(B) which indicates that a lawyer should not advance or guarantee financial assistance to his client.

We also refer to Canon 9 of the Code of Professional Responsibility which states, "A lawyer should avoid even the appearance of professional impropriety."

We therefore conclude that it is improper and unethical that the non-profit legal services corporation maintain a bail fund for the indigent criminally accused, administered or co-administered by an attorney or attorneys.