

Nebraska Ethics Advisory Opinion for Lawyers
No. 95-4

[OPINION NO. 81-2](#) DEALING WITH CLIENT PAYMENTS BY CREDIT CARD IS HEREBY MODIFIED. IT IS NOT UNETHICAL TO CHARGE ADVANCE FEES ON CREDIT CARDS FOR SERVICES TO BE PERFORMED.

In [Opinion 81-2](#), following ABA Formal Opinion 338, there were six requirements set forth for the use of credit cards. The Committee no longer requires compliance with the first two provisions requiring prior approval of publicity or advertising and prohibiting a directory of attorneys who accept credit cards. Further, we hereby rescind the requirement of paragraph 5 of [Opinion 81-2](#) to the effect that: "The charges made by the attorney to a client pursuant to a credit card plan must be only for services actually rendered or cash actually paid on behalf of a client."

Paragraphs 3, 4, and 6 as set forth in [Opinion 81-2](#) are hereby reapproved.

Paragraph 5 of [Opinion 81-2](#) is rescinded and the following is adopted in lieu thereof:

5. Charges made by an attorney to a client pursuant to a credit card plan may be either for services actually rendered or cash actually paid on behalf of a client, or may be an advance fee for services to be performed or cash to be paid on behalf of a client. Any fee received in advance for services to be performed must be deposited in the attorney's trust account and not commingled in the attorney's own accounts. See [Opinion 79-3](#).