

Information About Legal Services
Rule 7.3 Solicitation of Clients

(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:

- (1) is a lawyer; or
- (2) has a family, close personal, or prior professional relationship with the lawyer.

(b) A lawyer shall not solicit professional employment by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

- (1) the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or
- (2) the solicitation involves coercion, duress or harassment.

(c) Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone known to be in need of legal services in a particular matter shall include the words "Advertising Material" on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2).

(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

DR 2-101 [1200.6] Advertising.

A. A lawyer or law firm shall not use or disseminate or participate in the use or dissemination of any advertisement that:

1. contains statements or claims that are false, deceptive or misleading; or
2. violates a disciplinary rule.

B. Subject to the provisions of subdivision (a), an advertisement may include information as to: 1 legal and nonlegal education, degrees and other scholastic distinctions, dates of admission to any bar; areas

of the law in which the lawyer or law firm practices, as authorized by this Part; public offices and teaching

positions held; publications of law related matters authored by the lawyer; memberships in bar associations

or other professional societies or organizations, including offices and committee assignments therein;

foreign language fluency; and bona fide professional ratings;

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DR 2-101(C)(1), (3), (5), (7) and (G)(1) are currently the subject of a constitutional challenge, and enforcement of those provisions has been enjoined.

262. names of clients regularly represented, provided that the client has given prior written consent;

3. bank references; credit arrangements accepted; prepaid or group legal services programs in which the

lawyer or law firm participates; nonlegal services provided by the lawyer or law firm or by an entity owned

and controlled by the lawyer or law firm; the existence of contractual relationships between the lawyer or

law firm and a nonlegal professional or nonlegal professional service firm, to the extent permitted by DR

1-107 and the nature and extent of services available through those contractual relationships; and

4. legal fees for initial consultation; contingent fee rates in civil matters when accompanied by a statement

disclosing the information required by subdivision (p) of this section; range of fees for legal and nonlegal

services, provided that there be available to the public free of charge a written statement clearly describing

the scope of each advertised service; hourly rates; and fixed fees for specified legal and nonlegal services.

C. An advertisement shall not:

1. include an endorsement of, or testimonial about, a lawyer or law firm from a client with respect to a matter still pending;

Question:

How large in type size must disclaimers/legends and where must the disclaimers/legends be located?

Answer: DR 2-101(i) requires that disclaimers/legends be clear, legible and capable of being read by the average person (and intelligible if spoken aloud).

Question:

If the firm says in its advertisement that it represented a well known client in a case, but does not claim that the client is regularly represented by the firm, does the firm need written consent?

Answer: The answer is not found in the Disciplinary Rules, but rather in Civil Rights Law Section 50 which requires written consent for use of anyone's name.

Do you have questions about the advertising rules? You may contact the following members of the Task Force on Lawyer Advertising:

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