
E-82-8 Attorney contacting seminar attendees

Facts

An attorney recently spoke at a seminar regarding estate planning, which was sponsored by an insurance company. Subsequently the insurance company sent the attorney a list of all persons attending the seminar, some of whom indicated in writing that they wished further information, or in the alternative, that they had an interest in estate planning. None of the persons inquiring are the attorney's clients. The attorney inquires as to the propriety of sending a letter in response to those requests stating that he is glad that they had attended, and if they desire further information to contact the attorney.

Opinion

In the committee's opinion, the sending of a letter under the circumstances presented would constitute improper solicitation.

SCR 20.06 encourages lawyers to educate laymen to recognize their legal problems, facilitate the process of intelligent selection of lawyers, and to assist in making legal services fully available. Accordingly, lawyers should participate in educational programs concerning our legal system with particular reference to frequently arising legal problems. SCR 20.06(2)(a). Such participation, however, would be motivated by a desire to benefit the public rather than to obtain publicity or employment for particular lawyers. Moreover, an attorney who volunteers advice that one should obtain the services of a lawyer generally should not himself or herself accept employment in connection with that matter. SCR 20.06(2)(d). *See generally* State Bar Ethics Opinion E-82-1.

SCR 20.09(1) prohibits a lawyer from recommending employment of herself or himself to a nonlawyer who has not sought her or his advice regarding employment of a lawyer. Nor may the lawyer request a person or organization to recommend his or her employment, except that an attorney may request referrals from a lawyer referral service. However, a lawyer may speak publicly without affecting his or her right to employment if the lawyer does not emphasize his or her own professional experience or reputation and does not undertake to give individual advice. SCR 20.10(4).

In the instant case the attorney proposes to respond to requests for further information made by the seminar attendees but directed to the insurance company. Thus the letter would violate SCR 20.09(1) since it would constitute an attorney recommending employment of herself or himself to a nonlawyer who has not sought his or her advice regarding employment of a lawyer. Moreover, the proposed action would be a form of direct solicitation prohibited under Wis. Stats. sec. 757.295 (1979-80).