
E-87-7 For-profit lawyer referral services

Question

Under what circumstances may a lawyer accept referrals from a lawyer referral service that is organized as a profit-making venture and to which the lawyer has paid a fee or given anything of value?

Opinion

Under both the Code of Professional Responsibility [cited herein as code] (SCR chapter 20, repealed effective Jan. 1, 1988) and the Rules of Professional Conduct for Attorneys [cited herein as rules] (SCR chapter 20, re-created effective Jan. 1, 1988), a lawyer may not accept referrals from a lawyer referral service organized for profit to which the lawyer pays any fee or has given anything of value for the referral service's recommending (through referral) the lawyer's services. The code prohibits lawyer participation with such a service for various reasons. *See* SCR 20.09. *See also* Wis. Stat. section 757.295 (relating to prohibitions against solicitation of legal business) and ABA Standing Committee on Ethics and Professional Responsibility Informal Opinion 85-1510 (analyzing the ABA version of SCR 10.09 and concluding it would preclude lawyer participation in the type of lawyer referral service in question). However, under the rules if the lawyer paid no consideration for the potential or actual receipt of referral clients from the service, it appears that participation in the referral service would be permissible. *See* SCR 20:7.2(b).

In so concluding, this Committee on Professional Ethics further concurs with the ABA committee's Informal Opinion 85-1510 *caveat* "that constitutional questions may be involved." Accordingly, the ultimate answer to the question presented herein lies with the courts.