
E-74-1 Professors operating legal research service

The Professional Ethics Committee has considered your request for an opinion as to the ethical propriety of a corporation organized by lawyers who are members of the law school faculty, as a private and profit making venture independent of the law school, to perform legal research for practicing attorneys and incorporate the results of that research in memoranda or other appropriate documents. In your letter, you state that you would use the resources of the Law School with the participants research and practice skills for the benefit of the practicing attorneys of the state and that your services would not be rendered to anyone other than members of the State Bar of Wisconsin; and also that you propose advising attorneys of the services available by a direct mailing and by advertising in the Wisconsin Bar Bulletin.

All forms of direct and indirect solicitation and advertising are prohibited by the present code of professional responsibility and in Wisconsin a lawyer may not hold himself out as a specialist in any field of the law, but these ethical considerations are subject to exceptions in the situation here involved as follows: an attorney may solicit professional employment from other lawyers, under clearly defined condition, by announcing his availability to serve other lawyers in a particular branch of the law or legal service and the conduct of a legal research service by lawyers for lawyers is not considered a specialized legal service (*see Wise, Legal Ethics*, 2d ed., pages 134 and 165-166 and the materials referred to below).

In considering your inquiry, the committee carefully reviewed American Bar Association Informal Opinion Number 907, American Bar Association Informal Opinion Number 1046.

In accordance with the above authorities and materials, it is the committee's opinion that the services you propose could be operated with ethical propriety, providing proper safeguards are observed as noted in the aforesaid materials.

While the committee finds that the purposes of the proposed research facility is not inherently objectionable you must be very careful and use extreme care in conducting the corporation so that nothing is done which transgresses any of the

Canons of Ethics and particularly those relating to advertising or solicitation; this is of particular importance in view of the comments in your letter that you would advise attorneys of the services available by direct mailing and by advertising in the Bar Bulletin.

Please note as to these matters particular mention thereof in the attached opinion letter dated July 24, 1968, Opinion 3-1963 and Opinion 7-1964 mentioned in that letter of the Milwaukee Bar Association, and particularly the rulings that the services must be performed by an attorney who is totally responsible for them and that announcements are to be sent to local attorneys only and an announcement if published should be limited to a brief and dignified announcement to the local legal journal in a form which does not constitute a statement or representation of special experience or expertise.

Of course no legal opinions should be rendered; and in the attached opinion of December 5, 1968, there is a caution given that such activities should not be operated out of a private law office but should be conducted in a separate facility.

This committee of course does not pass on the questions of the law or what constitutes the unauthorized practice of law; and, subject to this reservation, and providing proper safeguards are observed, the service you propose is not inherently prohibited if it is operated as proposed with services to lawyers only and in observance of any other Canons of the Code of Professional Responsibility not considered above herein.