

	<p style="text-align: center;">American Bar Association CPR Policy Implementation Committee</p> <p style="text-align: center;">Variations of the ABA Model Rules of Professional Conduct</p> <p style="text-align: center;">Rule 7.3 Direct Contact With Prospective Clients</p> <p>(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment from a prospective client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:</p> <ul style="list-style-type: none">(1) is a lawyer; or(2) has a family, close personal, or prior professional relationship with the lawyer. <p>(b) A lawyer shall not solicit professional employment from a prospective client 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:</p> <ul style="list-style-type: none">(1) the prospective client has made known to the lawyer a desire not to be solicited by the lawyer; or(2) the solicitation involves coercion, duress or harassment. <p>(c) Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client 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).</p> <p>(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.</p> <p>Variations from ABA Model Rule are noted. Based on reports of state committees reviewing recent changes to the model rules. For information on individual state committee reports, see http://www.abanet.org/cpr/jclr/home.html.</p>
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As of May 24, 2011

	<p>Comments not included.</p> <p>*Current links to state Rules of Professional conduct can be found on the ABA website: http://www.abanet.org/cpr/links.html*</p>
AL Effective 2/19/09	<p>Does not adopt (a); (b) is equivalent to MR (a).</p>
AK Effective 4/15/09	<p>Same as MR</p>
AZ Effective 12/1/03	<p>(a): deletes the word “significant” (b): also provides that a lawyer shall not “knowingly permit solicitation on the lawyer’s behalf” adds as (b)(3): the solicitation relates to a personal injury or wrongful death and is made within thirty (30) days of such occurrence. (c): adds after “known,” “or believed likely”; adds after “Advertising Material,” “in twice the font size of the body of the communication” adds as part of (c): (1) at the time of dissemination of such written communication, a written copy shall be forwarded to the Clerk of the Arizona Supreme Court and the State Bar of Arizona at its Phoenix office; (2) written communications mailed to prospective clients shall be sent only by regular U.S. mail, not by registered mail or other forms of restricted delivery; (3) if a contract for representation is mailed with the written communication, the contract shall be marked “sample” in red ink and shall contain the words “do not sign” on the client signature line; (4) the lawyer initiating the communication shall bear the burden of proof regarding the truthfulness of all facts contained in the communication, and shall, upon request of the State Bar or the recipient of the communication, disclose: (A) how the identity and specific legal need of the potential recipient were discovered; and (B) how the identity and knowledge of the specific need of the potential recipient were verified by the soliciting lawyer.</p>
AR Effective 5/1/05	<p>(a) <u>A lawyer shall not solicit, by any form of direct contact, in-person or otherwise, professional employment from a prospective client with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.</u> (b) <u>Notwithstanding the prohibitions described in Paragraph (a), a lawyer may solicit professional employment from a prospective client known to be in need of legal services in a particular matter by written communication. Such written communication shall:</u> (1) <u>include on the bottom left hand corner of the face of the envelope the word "Advertisement" in red ink, with type twice as large as that used for the name of the addressee;</u> (2) <u>only be sent by regular mail;</u> (3) <u>not have the appearance of legal pleadings or other official documents;</u> (4) <u>plainly state in capital letters "ADVERTISEMENT" on each page of the written</u></p>

	<p><u>communication;</u></p> <p><u>(5) begin with the statement that "If you have already retained a lawyer, please disregard this letter";</u></p> <p><u>(6) include the following statement in capital letters: "ANY COMPLAINTS ABOUT THIS LETTER OR THE REPRESENTATION OF ANY LAWYER MAY BE DIRECTED TO THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT, C/O CLERK, ARKANSAS SUPREME COURT, 625 MARSHALL STREET, LITTLE ROCK, ARKANSAS 72201"; and,</u></p> <p><u>(7) shall comply with all applicable rules governing lawyer advertising.</u></p> <p><u>(c) In death claims, the written communication permitted by paragraph (b) shall not be sent until 30 days after the accident.</u></p> <p><u>(d) Any written communication prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member shall disclose how the lawyer obtained the information prompting the communication.</u></p> <p><u>(e) Even when otherwise permitted by this rule, a lawyer shall not solicit professional employment from a prospective client by written or recorded communication or by in-person or telephone contact if:</u></p> <p style="padding-left: 40px;"><u>(1) the prospective client has made known to the lawyer a desire not to be solicited by the lawyer;</u></p> <p style="padding-left: 40px;"><u>(2) the solicitation involves coercion, duress, harassment, fraud, overreaching, intimidation, or undue influence; or</u></p> <p style="padding-left: 40px;"><u>(3) the prospective client is known to the lawyer to be represented in connection with the matter concerning the solicitation by counsel, except where the prospective client has initiated the contact with the lawyer.</u></p> <p><u>(f): same as MR (d).</u></p>
CA Current Rule	<p>[California's Rules of Professional Conduct are structured differently from the ABA Model Rules. Please see California Rules : http://calbar.ca.gov/calbar/pdfs/rules/Rules_Professional-Conduct.pdf]</p>
CO Effective 1/1/08	<p>Does not adopt MR (c);</p> <p>Adds:</p> <p style="padding-left: 40px;"><i>(c) A lawyer shall not solicit professional employment from a prospective client believed to be in need of legal services which arise out of the personal injury or death of any person by written, recorded, or electronic communication. This Rule 7.3(c) shall not apply if the lawyer has a family or prior professional relationship with the prospective client or if the communication is issued more than 30 days after the occurrence of the event for which the legal representation is being solicited. Any such communication must comply with the following:</i></p> <p style="padding-left: 80px;"><i>(1) no such communication may be made if the lawyer knows or reasonably should know that the person to whom the communication is directed is represented by a lawyer in the matter; and</i></p> <p style="padding-left: 80px;"><i>(2) if a lawyer other than the lawyer whose name or signature is contained in the communication will actually handle the case or matter, or if the case or matter will be referred to another lawyer or law firm, any such communication shall include a statement so advising the prospective client.</i></p>

	<p><i>(d) Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client known to be in need of legal services in a particular matter shall:</i></p> <p><i>(1) 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);</i></p> <p><i>(2) not reveal on the envelope or on the outside of a self-mailing brochure or pamphlet the nature of the prospective client's legal problem.</i></p> <p><i>A copy of or recording of each such communication and a sample of the envelopes, if any, in which the communications are enclosed shall be kept for a period of four years from the date of dissemination of the communication.</i></p> <p>(e) is the same as MR (d).</p>
CT Effective 1/1/07	<p>Title: replaces "Direct" with "Personal"</p> <p>(a) A lawyer shall not initiate personal, live telephone, or real-time electronic contact, including telemarketing contact, with a prospective client for the purpose of obtaining professional employment, except in the following circumstances:</p> <p>(1) If the prospective client is a close friend, relative, former client or one whom the lawyer reasonably believes to be a client;</p> <p>(2) Under the auspices of a public or charitable legal services organization;</p> <p>(3) Under the auspices of a bona fide political, social, civic, fraternal, employee or trade organization whose purposes include but are not limited to providing or recommending legal services, if the legal services are related to the principal purposes of the organization;</p> <p>(4) If the prospective client is a business organization, a not-for-profit organization or governmental body and the lawyer seeks to provide services related to the organization.</p> <p>(b) A lawyer shall not contact, or send, a written or electronic communication to, a prospective client for the purpose of obtaining professional employment if:</p> <p>(1) The lawyer knows or reasonably should know that the physical, emotional or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer,</p> <p>(2) It has been made known to the lawyer that the person does not want to receive such communications from the lawyer,</p> <p>(3) The communication involves coercion, duress, fraud, overreaching, harassment, intimidation or undue influence,</p> <p>(4) The written communication concerns a specific matter and the lawyer knows or reasonably should know that the person to whom the communication is directed is represented by a lawyer in the matter, or</p> <p>(5) The written or electronic communication concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person to whom the communication is addressed or a relative of that person, unless the accident or disaster occurred more than forty days prior to the mailing of the communication.</p>

	<p>(c) Every written communication, as well as any communication by audio or video recording, or other electronic means, used by a lawyer for the purpose of obtaining professional employment from a prospective client known to be in need of legal services in a particular matter, must be clearly and prominently labeled “Advertising Material” in red ink on the first page of any the written communication and the lower left corner of the outside envelope or container, if any, and at the beginning and ending of any communication by audio or video recording or other electronic means. If the written communication is in the form of a self-mailing brochure or pamphlet, the label “Advertising Material” in red ink shall appear on the address panel of the brochure or pamphlet. Brochures solicited by clients or prospective clients need not contain such mark. No reference shall be made in the communication to the communication having any kind of approval from the Connecticut bar. Written communications mailed to prospective clients shall be sent only by regular United States mail, not by registered mail or other forms of restricted delivery.</p> <p>Adds (d) The first sentence of any written communication concerning a specific matter shall be: “If you have already retained a lawyer for this matter, please disregard this letter.”</p> <p>Adds (e) A written communication seeking employment by a specific prospective client in a specific matter shall not reveal on the envelope, or on the outside of a selfmailing brochure or pamphlet, the nature of the client’s legal problem.</p> <p>Adds (f) If a contract for representation is mailed with the communication, the top of each page of the contract shall be marked “SAMPLE” in red ink in a one size larger than the largest type used in the contract and the words “DO NOT SIGN” shall appear on the client signature line.</p> <p>Adds (g) Written communications shall be on letter-sized paper rather than legal-sized paper and shall not be made to resemble legal pleadings or other legal documents. This provision does not preclude the mailing of brochures and pamphlets.</p> <p>Adds (h) If a lawyer other than the lawyer whose name or signature appears on the communication will actually handle the case or matter, or if the case or matter will be referred to another lawyer or law firm, any written communication concerning a specific matter shall include a statement so advising the client.</p> <p>(i): same as MR (d)</p>
DE Effective 7/1/03	Same as MR
District of Columbia Effective 2/1/07	Does not adopt
FL Effective 5/22/06	<p>Advertisements in the Public Print Media</p> <p>(a) Advertisements disseminated in the public print media are subject to the requirements of rule 4-7.2.</p>
GA* Effective	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i>

1/1/01	<p><i>(a) A lawyer shall not send, or knowingly permit to be sent, on behalf of the lawyer, the lawyer's firm, lawyer's partner, associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, a written communication to a prospective client for the purpose of obtaining professional employment if:</i></p> <ul style="list-style-type: none"><i>(1) it has been made known to the lawyer that a person does not desire to receive communications from the lawyer;</i><i>(2) the communication involves coercion, duress, fraud, overreaching, harassment, intimidation or undue influence;</i><i>(3) the written communication concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person to whom the communication is addressed or a relative of that person, unless the accident or disaster occurred more than 30 days prior to the mailing of the communication; or</i><i>(4) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer.</i> <p><i>(b) Written communications to a prospective client, other than a close friend, relative, former client or one whom the lawyer reasonably believes is a former client, for the purpose of obtaining professional employment shall be plainly marked "Advertisement" on the face of the envelope and on the top of each page of the written communication in type size no smaller than the largest type size used in the body of the letter.</i></p> <p><i>(c) A lawyer shall not compensate or give anything of value to a person or organization to recommend or secure the lawyer's employment by a client, or as a reward for having made a recommendation resulting in the lawyer's employment by a client; except that the lawyer may pay for public communications permitted by Rule 7.1 and except as follows:</i></p> <ul style="list-style-type: none"><i>(1) A lawyer may pay the usual and reasonable fees or dues charged by a bona fide lawyer referral service operated by an organization authorized by law and qualified to do business in this state; provided, however, such organization has filed with the State Disciplinary Board, at least annually, a report showing its terms, its subscription charges, agreements with counsel, the number of lawyers participating, and the names and addresses of lawyers participating in the service;</i><i>(2) A lawyer may pay the usual and reasonable fees or dues charged by a bar-operated non-profit lawyer referral service, including a fee which is calculated as a percentage of the legal fees earned by the lawyer to whom the service has referred a matter, provided such bar-operated non-profit lawyer referral service meets the following criteria:</i><ul style="list-style-type: none"><i>(i) the lawyer referral service shall be operated in the public interest for the purpose of referring prospective clients to lawyers, pro bono and public service legal programs, and government, consumer or other agencies who can provide the assistance the clients need. Such organization shall file</i>
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<p>HI* Effective 1/1/94</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p><i>(a) A lawyer shall not by in-person or live telephone contact solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain;</i></p>

	<p>(b) Deletes “or real-time electronic contact;”</p> <p>(c) Deletes “or electronic communication;” replaces language after “prospective client” with “with whom the lawyer has no family or prior professional relationship shall be subject to the requirements of Rules 7.1 and 7.2 and shall include the words “Advertising Material” (1) on the outside envelope and at the top of the first page of the contents of the envelope, and (2) at the beginning and ending of any recorded communication. A sample copy of any written or recorded communication directed by a lawyer to one or more prospective clients for purposes of seeking or recommending employment shall be simultaneously forwarded by the lawyer to the Office of Disciplinary Counsel;”</p> <p>Does not have MR (c);</p> <p>Adds:</p> <p><i>(e) A lawyer shall not solicit professional employment from a prospective client on the lawyer's behalf or on behalf of anyone associated with the lawyer if:</i></p> <p><i>(1) the communication concerns an action for personal injury or wrongful death involving the person to whom the communication is addressed or a relative of that person, unless the personal injury or wrongful death occurred more than thirty (30) days prior to the sending of the communication; or</i></p> <p><i>(2) the lawyer knows or should know that the physical, emotional, or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer.</i></p> <p><i>(f) Written communications to prospective clients for the purpose of soliciting professional employment are subject to the following requirements:</i></p> <p><i>(1) written communications to prospective clients shall be sent only by regular U.S. mail, not by registered mail or other forms of restricted delivery, and not by facsimile or e-mail</i></p> <p><i>(2) if a contract for representation is sent with the written communication, the top of each page of the contract shall be marked “SAMPLE” in red ink in a type size one size larger than the largest used in the contract and the words “DO NOT SIGN” shall appear on the client signature line;</i></p> <p><i>(3) written communications shall not resemble legal pleadings or other legal documents;</i></p> <p><i>(4) any written communication prompted by a specific occurrence shall disclose how the lawyer obtained the information prompting the communication; and</i></p> <p><i>(5) any written communication shall not reveal the nature of the prospective client's legal problem on the outside of the mailing.</i></p>
ID Effective 7/1/04	Same as MR
IL Effective 1/1/2010	Same as MR

<p>IN Effective 1/1/05</p>	<p>Title is: Recommendation or Solicitation of Professional Employment</p> <p>(a) A lawyer shall not seek or recommend by in-person contact (either in the physical presence of, or by telephone, or by real-time electronic contact), the employment, as a private practitioner, of the lawyer, the lawyer's partner, associate, or the lawyer's firm, to a nonlawyer who has not sought advice regarding the employment of a lawyer, or assist another person in so doing unless the contacted non-lawyer has a family or prior professional relationship with the lawyer.</p> <p>(b) A lawyer shall not solicit professional employment from a prospective client by written or recorded communication or by in-person or telephone, or by real-time electronic contact even when not otherwise prohibited by paragraph (a) if:</p> <ol style="list-style-type: none">(1) the prospective client has made known to the lawyer a desire not to be solicited by the lawyer; or(2) the solicitation involves coercion, duress or harassment. <p>(c) Every written, recorded, or electronic communication from a lawyer soliciting professional employment from a prospective client potentially in need of legal services in a particular matter, and with whom the lawyer has no family or prior professional relationship, shall include the words "Advertising Material" conspicuously placed both on the face of any outside envelope and at the beginning of any written communication, and both at the beginning and ending of any recorded communication. A copy of each such communication shall be filed with the Indiana Supreme Court Disciplinary Commission at or prior to its dissemination to the prospective client. A filing fee in the amount of fifty dollars (\$50.00) payable to the "Supreme Court Disciplinary Commission Fund" shall accompany each such filing. In the event a written, recorded or electronic communication is distributed to multiple prospective clients, a single copy of the mailing less information specific to the intended recipients, such as name, address (including email address) and date of mailing, may be filed with the Commission. Each time any such communication is changed or altered, a copy of the new or modified communication shall be filed with the Disciplinary Commission at or prior to the time of its mailing or distribution. The lawyer shall retain a list containing the names and addresses, including email addresses, of all persons or entities to whom each communication has been mailed or distributed for a period of not less than one (1) year following the last date of mailing or distribution. Communications filed pursuant to this subdivision shall be open to public inspection.</p> <p>(d) If success in asserting rights or defenses of his clients in litigation in the nature of a class action is dependent upon the joinder of others, a lawyer may accept employment from those he is permitted under applicable law to contact for the purpose of obtaining their joinder.</p> <p>(e) A lawyer shall not accept referrals from any lawyer referral service unless such service falls within subparts 1-4 of this Rule 7.3(e). A lawyer or his partner or associates or any other lawyer affiliated with him or his firm may be recommended, employed or paid by, or may cooperate with, one of the following offices or organizations that promote the use of his services or those of his partner or associates or any other lawyer affiliated with him or his firm, if there is no interference with the exercise of independent professional judgment on behalf of his client:</p>
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	<p>(1) A legal office or public defender office:</p> <p>(A) operated or sponsored on a not-for-profit basis by a law school accredited by the American Bar Association Section on Legal Education and Admissions to the Bar;</p> <p>(B) operated or sponsored on a not-for-profit basis by a bona fide non-profit community organization;</p> <p>(C) operated or sponsored on a not-for-profit basis by a governmental agency; and</p> <p>(D) operated, sponsored, or approved in writing by the Indiana State Bar Association, the Indiana Trial Lawyers Association, the Indiana Defense Lawyers Association, any bona fide county or city bar association within the State of Indiana, or any other bar association whose lawyer referral service has been sanctioned for operation in Indiana by the Indiana Disciplinary Commission.</p> <p>(2) A military legal assistance office</p> <p>(3) A lawyer referral service operated, sponsored, or approved by any organization listed in Rule 7.3(e)(1)(D)</p> <p>(4) Any other non-profit organization that recommends, furnishes, or pays for legal services to its members or beneficiaries, but only if the following conditions are met:</p> <p>(A) The primary purposes of such organization do not include the rendition of legal services;</p> <p>(B) The recommending, furnishing, or paying for legal services to its members is incidental and reasonably related to the primary purpose of such organization;</p> <p>(C) Such organization does not derive a financial benefit from the rendition of legal services by the lawyer; and</p> <p>(D) The member or beneficiary for whom the legal services are rendered, and not such organization, is recognized as the client of the lawyer in the matter.</p> <p>(f) A lawyer shall not compensate or give anything of value to a person or organization to recommend or secure his employment by a client, or as a reward for having made a recommendation resulting in his employment by a client, except that he may pay for public communication permitted by Rule 7. 2 and the usual and reasonable fees or dues charged by a lawyer referral service falling within the provisions of Rule 7.3(e).</p> <p>(g) A lawyer shall not accept employment when he knows or it is obvious that the person who seeks his services does so as a result of lawyer conduct prohibited under this disciplinary rule.</p>
IA Effective 7/1/05	<p>(a) A lawyer shall not by in-person, live telephone, or real-time electronic contact solicit professional employment from a prospective client.</p> <p>(b) A lawyer may engage in written solicitation by direct mail or e-mail to persons or groups who may need specific legal services because of a condition or occurrence known to the soliciting lawyer. A lawyer must retain a copy of the written solicitation for at least three years. Simultaneously with the mailing of the solicitation, the lawyer</p>

	<p>must file a copy of it with the Iowa Supreme Court Attorney Disciplinary Board along with a signed affidavit in which the lawyer attests to:</p> <p>(1) the truthfulness of all facts contained in the communication;</p> <p>(2) how the identity and specific legal need of the intended recipients were discovered; and</p> <p>(3) how the identity and specific need of the intended recipients were verified by the soliciting lawyer.</p> <p>(c) Information permitted by these rules may be communicated by direct mail or e-mail to the general public other than persons or groups of persons who may be in need of specific or particular legal services because of a condition or occurrence which is known or could with reasonable inquiry be known to the advertising lawyer. A lawyer must simultaneously file a copy of the communication with the Iowa Supreme Court Attorney Disciplinary Board and must retain a copy of the communication for at least three years.</p> <p>(d) All communications authorized by paragraphs (b) and (c) shall contain the disclosures required by rule 32:7.2(h) when applicable. These communications shall, in addition to other required disclosures, carry the following disclosure in 9-point or larger type: "ADVERTISEMENT ONLY."</p>
KS Effective 7/1/07	Same as MR
KY Effective 7/15/09	<p>KY Rule 7.09 is similar to MR Rule 7.3.</p> <p>(1) is equivalent to MR (a) but with changes wording to:</p> <p style="padding-left: 40px;">(1) No lawyer shall directly or through another person, by in person, live telephone, or real-time electronic means, initiate contact or solicit professional employment from a potential client unless:</p> <p>(1)(a) is similar to MR (a)(2);</p> <p>Adds (1)(b): "the lawyer has a current attorney-client relationship with the potential client;"</p> <p>Adds to end of (1):</p> <p style="padding-left: 40px;"><i>This Rule shall not prohibit response to inquiries initiated by persons who may become potential clients at the time of any other incidental contact not designed or intended by the lawyer to solicit employment.</i></p> <p>(2) is similar to MR (b) but changes "prospective" to "potential" throughout and deletes clause, "by written...electronic contact" and references paragraph (1) instead of (a);</p> <p>(3) is similar to MR (c) but changes "Advertising Material" on the outside envelope" with "THIS IS AN ADVERTISEMENT" in all capital letters prominently displayed in type at least as large as the type in the body of the communication;" deletes the rest of the paragraph and replaces with:</p> <p style="padding-left: 40px;"><i>unless:</i></p> <p style="padding-left: 40px;"><i>(a) the lawyer has an immediate family relationship with the potential client; or</i></p> <p style="padding-left: 40px;"><i>(b) the lawyer has a current attorney-client relationship with the potential client.</i></p> <p style="padding-left: 40px;"><i>Further, in each such written or recorded or electronic communication the</i></p>

	<p><i>envelope, document, or container, by which such communication is transmitted shall contain the word “ADVERTISEMENT” in all capital letters, and in type large enough to be conspicuous and placed in a conspicuous location on the same side of the envelope, document, or container upon which the lawyer’s name and/or address appears. If an electronic communication is sent by or on behalf of the lawyer to a potential client in a container or on a disc or other format on which words may appear, the outside of the container, or disc, or other format shall be marked as provided in this rule. If a recorded telephone, electronic, video, or digital communication is sent under this rule, a speaker must first recite the language “THE FOLLOWING IS AN ADVERTISEMENT” and shall further state at the end of the communication the language “THIS MESSAGE HAS BEEN AN ADVERTISEMENT”.</i></p> <p>Adds:</p> <p><i>(4) No communication pursuant to SCR 3.130(7.09)(3) shall be sent to those potential clients who have been involved in a disaster as defined in SCR 3.130(7.60) until thirty (30) days have elapsed from the occurrence of the disaster.</i></p>
<p>LA Effective 3/1/04</p>	<p>(a) and (c) are similar to old Model Rule (a) and (b). MR (d) not included LA (b) is much more detailed than MR (c): (b) In instances where there is no family or prior professional relationship, a lawyer shall not initiate targeted solicitation, in the form of a written or recorded communication, of a person or persons known to need legal services of a particular kind provided by the lawyer in a particular matter for the purpose of obtaining professional employment unless such communication complies with the requirements set forth below and is not otherwise in violation of these rules: (i) A copy or recording of each such communication and a record of when and where it was used shall be kept by the lawyer using such communication for three (3) years after its last dissemination. (ii) Such communication shall state clearly the name of at least one member in good standing of the Association responsible for its content. (iii) In the case of a written communication: (A) such communication shall not resemble a legal pleading, notice, contract or other legal document and shall not be delivered via registered mail, certified mail or other restricted form of delivery; (B) the top of each page of such communication and the lower left corner of the face of the envelope in which the communication is enclosed shall be plainly marked “ADVERTISEMENT” in print size at least as large as the largest print used in the written communication, provided that if the written communication is in the form of a self-mailing brochure or pamphlet, the “ADVERTISEMENT” mark shall appear above the address panel of the brochure or pamphlet; or in the case of an electronic mail communication, the subject line of the communication states that “This is an advertisement for legal services”; and (C) if the communication concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person to whom the communication is addressed or a relative of that person, such communication shall</p>

	<p>not be initiated by the lawyer unless the accident or disaster occurred more than 30 days prior to the mailing of the communication.</p> <p>(iv) In the case of a recorded communication, such communication shall be identified specifically as an advertisement at the beginning of the recording, at the end of the recording and on any envelope in which it is transmitted in accordance with the requirements of subparagraph (iii)(B) above.</p> <p>(v) If the communication is prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member of the intended recipient, such communication shall disclose how the lawyer obtained the information prompting the communication.</p>
ME Effective 8/1/09	<p>(a) Replaces with: <i>(a) A lawyer, in person, by live telephone, or by real-time electronic contact, shall not solicit professional employment from a non-commercial client if such solicitation involves or has substantial potential of harassing conduct, coercion, duress, compulsion, intimidation or unwarranted promises of benefits. The prospective client's sophistication regarding legal matters; the physical, emotional state of the prospective non-commercial client; and the circumstances in which the solicitation is made are factors to be considered when evaluating the solicitation.</i></p> <p>(b) Combines MR (b) and (b)(1). Does not adopt (b)(2);</p> <p>(c) Reserved;</p> <p>Replaces first clause with "Subject to the prohibitions in paragraphs (a) and (b)."</p>
MD Effective 7/1/05	<p>adds as (b)(1): the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer;</p>
MA Rules effective 9/1/08	<p>Replaces MR (a) with: <i>(a) In soliciting professional employment, a lawyer shall not coerce or harass a prospective client and shall not make a false or misleading communication.</i></p> <p>(b) Replaces language following "professional employment" with: <i>(1) the lawyer knows or reasonably should know that the physical, mental, or emotional state of the prospective client is such that there is a substantial potential that the person cannot exercise reasonable judgment in employing a lawyer, provided, however, that this prohibition shall not apply to solicitation not for a fee; or</i></p> <p>Adds (b)(2), which is the same as MR (b)(1);</p> <p>Does not adopt MR (c) or (d) but adds instead: <i>(c) Except as provided in paragraph (e), a lawyer shall not solicit professional employment for a fee from a prospective client known to be in need of legal services in a particular matter by written communication, including audio or video cassette or other electronic communication, unless the lawyer retains a copy of such communication for two years.</i> <i>(d) Except as provided in paragraph (e), a lawyer shall not solicit professional employment for a fee from a prospective client in person or by personal communication by telephone, electronic device, or otherwise.</i></p>

	<p><i>(e) The following communications shall be exempt from the provisions of paragraphs (c) and (d) above:</i></p> <p><i>(1) communications to members of the bar of any state or jurisdiction;</i></p> <p><i>(2) communications to individuals who are</i></p> <p><i>(A) the grandparents of the lawyer or the lawyer's spouse,</i></p> <p><i>(B) descendants of the grandparents of the lawyer or the lawyer's spouse, or</i></p> <p><i>(C) the spouse of any of the foregoing persons;</i></p> <p><i>(3) communications to prospective clients with whom the lawyer had a prior attorney-client relationship; and</i></p> <p><i>(4) communications with (i) organizations, including non-profit and government entities, in connection with the activities of such organizations, and (ii) with persons engaged in trade or commerce as defined in G.L. c. 93A, §1(b), in connection with such persons' trade or commerce.</i></p> <p><i>(f) A lawyer shall not give anything of value to any person or organization to solicit professional employment for the lawyer from a prospective client. However, this rule does not prohibit a lawyer or a partner or associate or any other lawyer affiliated with the lawyer or the lawyer's firm from requesting referrals from a lawyer referral service operated, sponsored, or approved by a bar association or from cooperating with any other qualified legal assistance organization. Such requests for referrals or cooperation may include a sharing of fee awards as provided in Rule 5.4(a)(4).</i></p>
<p>MI Amended Effective 9/1/2011</p>	<p>(a) Adds in the beginning : "Except as otherwise allowed under this rule;" Deletes "by in-person, live telephone or real-time electronic contact" after "shall not;" Adds "with whom the lawyer has no family or prior professional relationship" after "prospective client;" Replaces "motive for the lawyer's doing so" with "for doing so;" Deletes all language after "for doing so."</p> <p>(b) Replaces language with:</p> <p><i>Prohibited methods of communication. For purposes of this rule, the term "solicit" includes contact that is directed to a specific recipient:</i></p> <p><i>(1) in person, or</i></p> <p><i>(2) by telephone or telegraph, or</i></p> <p><i>(3) by letter or other writing, or</i></p> <p><i>(4) by other communication.</i></p> <p>(c) Replaces language with:</p> <p><i>Allowable forms of communication. With the exception of those circumstances absolutely prohibited in subsection (d), for purposes of this rule, the term "solicit" does not include:</i></p> <p><i>(1) letters addressed or advertising circulars distributed generally to persons who are not known to need legal services of the kind provided by the lawyer in a</i></p>

	<p><i>particular matter, but who are so situated that they might in general find such services useful, or</i></p> <p><i>(2) Truthful and nondeceptive letters to potential clients known to face particular legal problems,” as elucidated in Shapero v Kentucky Bar Ass’n, 486 US 466 (1988). If the written solicitation concerns an action, or potential claim, that pertains to the person to whom a communication is directed, or a relative of such person, the communication shall not be transmitted less than 30 days after the injury, death, or accident occurred that has given rise to the action or potential claim.</i></p> <p><i>(3) Every written communication from a lawyer described in subsections (1) and (2) shall include the words “Advertising Material” on the outside envelope, if any, and at the beginning and ending of any written communication, unless the lawyer has a family or prior professional relationship with the recipient. If a written communication is in the form of a self-mailing brochure, pamphlet, or postcard, the words “Advertising Material” shall appear on the address panel of the brochure, pamphlet, or postcard. The requirement to include the words “Advertising Material” shall apply regardless whether the written communication is transmitted by regular United States mail, private carrier, electronically, or in any other manner.”</i></p> <p>(d) Replaces language with:</p> <p><i>A lawyer shall not solicit professional employment from a prospective client by written or recorded communication or by in-person or telephone contact even when not otherwise prohibited by paragraph (a), if:</i></p> <p><i>(1) the prospective client has made known to the lawyer a desire not to be solicited by the lawyer; or</i></p> <p><i>(2) the solicitation involves coercion, duress or harassment.</i></p>
MN Effective 10/1/05	<p>(a) and (b): does not include reference to “real time electronic”</p> <p>(c): requires the words to be included “clearly and conspicuously”; replaces “at the beginning and ending of any recorded..” with, “within any written, recorded...”</p>
MS Effective 11/3/05	<p>(a): retains former MR but adds “or real-time electronic contact” after “telephone,” “particular” before “prospective,” and “close personal” after “family”</p> <p>(b): adds “particular” before “prospective”</p> <p>(c): adds “particular” before “prospective” and “with whom the lawyer has no family, close personal, or prior professional relationship” after “matter,” replaces “Advertising Material” with “solicitation material,” deletes “if any,” replaces “and” after “envelope” with “or” and ends paragraph after “recorded communication”</p>
MO Rule revised effective 7/1/07	<p>4-7.3 DIRECT CONTACT WITH PROSPECTIVE CLIENTS</p> <p><i>This Rule 4-7.3 applies to in-person and written solicitations by a lawyer with persons known to need legal services of the kind provided by the lawyer in a particular matter for the purpose of obtaining professional employment.</i></p> <p><i>(a) In-person solicitation. A lawyer may not initiate the in-person, telephone, or real</i></p>

	<p><i>time electronic solicitation of legal business under any circumstance, other than with an existing or former client, lawyer, close friend, or relative.</i></p> <p><i>(b) Written Solicitation. A lawyer may initiate written solicitations to an existing or former client, lawyer, friend, or relative without complying with the requirements of this Rule 4-7.3(b). Written solicitations to others are subject to the following requirements:</i></p> <p><i>(1) any written solicitation by mail shall be plainly marked "ADVERTISEMENT" on the face of the envelope and all written solicitations shall be plainly marked "ADVERTISEMENT" at the top of the first page in type at least as large as the largest written type used in the written solicitation;</i></p> <p><i>(2) the lawyer shall retain a copy of each such written solicitation for two years. If written identical solicitations are sent to two or more prospective clients, the lawyer may comply with this requirement by retaining a single copy together with a list of the names and addresses of persons to whom the written solicitation was sent;</i></p> <p><i>(3) each written solicitation must include the following:</i></p> <p><i>"Disregard this solicitation if you have already engaged a lawyer in connection with the legal matter referred to in this solicitation. You may wish to consult your lawyer or another lawyer instead of me (us). The exact nature of your legal situation will depend on many facts not known to me (us) at this time. You should understand that the advice and information in this solicitation is general and that your own situation may vary. This statement is required by rule of the Supreme Court of Missouri.;"</i></p> <p><i>(4) written solicitations mailed to prospective clients shall be sent only by regular United States mail, not registered mail or other forms of restricted or certified delivery;</i></p> <p><i>(5) written solicitations mailed to prospective clients shall not be made to resemble legal pleadings or other legal documents;</i></p> <p><i>(6) any written solicitation prompted by a specific occurrence involving or affecting the intended recipient of the solicitation or family member shall disclose how the lawyer obtained the information prompting the solicitation;</i></p> <p><i>(7) a written solicitation seeking employment by a specific prospective client in a specific matter shall not reveal on the envelope or on the outside of a self-mailing brochure or pamphlet the nature of the client's legal problem;</i></p> <p><i>(8) if a lawyer knows that a lawyer other than the lawyer whose name or</i></p>
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	<p><i>signature appears on the solicitation will actually handle the case or matter or that the case or matter will be referred to another lawyer or law firm, any written solicitation concerning a specific matter shall include a statement so advising the potential client; and</i></p> <p><i>(9) a lawyer shall not send a written solicitation regarding a specific matter if the lawyer knows or reasonably should know that the person to whom the solicitation is directed is represented by a lawyer in the matter.</i></p> <p><i>(c) A lawyer shall not send, nor knowingly permit to be sent, on behalf of the lawyer, the lawyer's firm, the lawyer's partner, an associate, or any other lawyer affiliated with the lawyer or the lawyer's firm a written solicitation to any prospective client for the purpose of obtaining professional employment if:</i></p> <p><i>(1) it has been made known to the lawyer that the person does not want to receive such solicitations from the lawyer;</i></p> <p><i>(2) the written solicitation involves coercion, duress, fraud, overreaching, harassment, intimidation, or undue influence;</i></p> <p><i>(3) the written solicitation contains a false, fraudulent, misleading, or deceptive statement or claim or makes claims as to the comparative quality of legal services, unless the comparison can be factually substantiated, or asserts opinions about the liability of the defendant or offers assurances of client satisfaction;</i></p> <p><i>(4) the written solicitation concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person solicited or a relative of that person if the accident or disaster occurred less than 30 days prior to the solicitation or if the lawyer knows or reasonably should know that the physical, emotional, or mental state of the person solicited makes it unlikely that the person would exercise reasonable judgment in employing a lawyer; or</i></p> <p><i>(5) the written solicitation vilifies, denounces or disparages any other potential party.</i></p> <p><i>(d) The provisions of Rule 4-7.3 shall not apply to services provided by a not-for-profit organization funded in whole or in part by the Legal Services Corporation established by 42 U.S.C. Section 2996(b) or to pro bono services provided free of charge by a not-for-profit organization, a court-annexed program, a bar association, or an accredited law school.</i></p>
MT Effective 4/1/04	<p>adds two provisions in (b): “(3) the lawyer knows or reasonably should know that the physical, emotional, or mental state of the person is such that the person cannot exercise reasonable judgment in employing a lawyer; (4) the lawyer reasonably should know that the</p>

	<p>person is already represented by another lawyer.”</p> <p>adds at the end of (d): “Lawyers who participate in a legal services plan must reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2, and 7.3(b). See Rule 8.4(a).”</p>
NE Effective 9/1/05	<p>amends (c) slightly: deletes the words “known to be in need of legal services in a particular matter”; and replaces “Advertising Material” with “This is an Advertisement.”; adds at the end of (c): “This is an advertisement” shall appear in type size at least as large as the print of the address and shall be located in a conspicuous place on the envelope or postcard.</p>
NV Effective 5/1/06	<p>Communications With Prospective Clients.</p> <p>(a) Direct contact with prospective clients. Except as permitted pursuant to paragraph (d) of this Rule, a lawyer shall not solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship, by mail, in person or otherwise, when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain. The term “solicit” includes contact in person, by telephone, telegraph or facsimile, by letter or other writing, or by other communication directed to a specific recipient.</p> <p>(b) Direct or indirect written advertising. Any direct or indirect written mail communication or advertising circular distributed to persons not known to need legal services of the kind provided by the lawyer in a particular matter, but who are so situated that they might in general find such services useful, shall contain the disclaimers required by Rule 7.2. The disclaimers shall be in a type size and legibility sufficient to cause the disclaimers to be conspicuous, and in a size at least as large as the largest of any telephone number appearing in the ad.</p> <p>(c) Additional disclaimer on mailers or written advertisements or communications. Direct or indirect mail envelope, and written mail communications or advertising circulars shall contain, upon the outside of the envelope and upon the communication side of each page of the communication or advertisement, in legible type that is at least twice as large as the largest type used in the body of the communication, in red ink, the following warning: NOTICE: THIS IS AN ADVERTISEMENT!</p> <p>(d) Target mail to prospective clients. Written communication directed to a specific prospective client who may need legal services due to a particular transaction or occurrence is prohibited in Nevada within 45 days of the transaction or occurrence giving rise to the communication. After 45 days following the transaction or occurrence, any such communication must comply with paragraphs (b) and (c) of this Rule and must comply with all other Rules of Professional Conduct.</p>
NH Effective 1/1/08	<p>(a) Adds “initiate” before “by in-person;” adds:</p> <p><i>(3) is an employee, agent, or representative of a business, non-profit or governmental organization not known to be in need of legal services in a particular matter, and the lawyer seeks to provide services on behalf of the organization; or</i></p> <p><i>(4) is an individual who regularly requires legal services in a commercial context and is not known to be in need of legal services in a particular matter.</i></p>

	<p>(b) Replaces language with: <i>(b) A lawyer shall not communicate or knowingly permit any communication to a prospective client for the purpose of obtaining professional employment if:</i></p> <p>(b)(1) and (b)(2) are the same as MR but NH adds: <i>(b)(3) the lawyer knows or reasonably should know that the physical, mental, or emotional state of the prospective client is such that there is a substantial potential that the person cannot exercise reasonable judgment in employing a lawyer.</i></p> <p>(c) Deletes “Material” after “Advertising” and replaces “paragraphs...(a)(2)” with “subsection (a);”</p> <p>Does not adopt MR (d) but adds instead: <i>(d) The following types of direct contact with prospective clients shall be exempt from subsection (a):</i> <i>(i) participation in a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person, live voice or other real-time 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.</i> <i>(ii) initiation of contact for legal services by a non-profit organization.</i> <i>(iii) contact of those the lawyer is permitted under applicable law to seek to join in litigation in the nature of a class action, if success in asserting rights or defenses of the litigation is dependent upon the joinder of others; and</i> <i>(iv) requests by a lawyer or the lawyer’s firm for referrals from a lawyer referral service operated, sponsored or approved by a bar association, or cooperation with any other qualified legal assistance organization.</i></p>
NJ Effective 1/1/04	<p>RPC 7.3. Personal Contact with Prospective Clients</p> <p>(a) A lawyer may initiate personal contact with a prospective client for the purpose of obtaining professional employment, subject to the requirements of paragraph (b).</p> <p>(b) A lawyer shall not contact, or send a written communication to, a prospective client for the purpose of obtaining professional employment if:</p> <p>(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer; or</p> <p>(2) the person has made known to the lawyer a desire not to receive communications from the lawyer; or</p> <p>(3) the communication involves coercion, duress or harassment; or</p> <p>(4) the communication involves unsolicited direct contact with a prospective client within thirty days after a specific mass-disaster event, when such contact concerns potential compensation arising from the event; or</p> <p>(5) the communication involves unsolicited direct contact with a prospective client concerning a specific event not covered by section (4) of this Rule when such contact</p>

	<p>has pecuniary gain as a significant motive except that a lawyer may send a letter by mail to a prospective client in such circumstances provided the letter:</p> <ul style="list-style-type: none">(i) bears the word "ADVERTISEMENT" prominently displayed in capital letters at the top of the first page of text; and(ii) contains the following notice at the bottom of the last page of text: "Before making your choice of attorney, you should give this matter careful thought. The selection of an attorney is an important decision."; and(iii) contains an additional notice also at the bottom of the last page of text that the recipient may, if the letter is inaccurate or misleading, report same to the Committee on Attorney Advertising, Hughes Justice Complex, P.O. Box 037, Trenton, New Jersey 08625. <p>(c) A lawyer shall not knowingly assist an organization that furnishes or pays for legal services to others to promote the use of the lawyer's services or those of the lawyer's partner, or associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, as a private practitioner, if:</p> <ul style="list-style-type: none">(1) the promotional activity involves use of a statement or claim that is false or misleading within the meaning of RPC 7.1; or(2) the promotional activity involves the use of coercion, duress, compulsion, intimidation, threats, unwarranted promises of benefits, overreaching, or vexatious or harassing conduct. <p>(d) A lawyer shall not compensate or give anything of value to a person or organization to recommend or secure the lawyer's employment by a client, or as a reward for having made a recommendation resulting in the lawyer's employment by a client except that the lawyer may pay for public communications permitted by RPC 7.1 and the usual and reasonable fees or dues charged by a lawyer referral service operated, sponsored, or approved by a bar association.</p> <p>(e) A lawyer shall not knowingly assist a person or organization that furnishes or pays for legal services to others to promote the use of the lawyer's services or those of the lawyer's partner or associate or any other lawyer affiliated with the lawyer or the lawyer's firm except as permitted by RPC 7.1. However, this does not prohibit a lawyer or the lawyer's partner or associate or any other lawyer affiliated with the lawyer or the lawyer's firm from being recommended, employed or paid by or cooperating with one of the following offices or organizations that promote the use of the lawyer's services or those of the lawyer's partner or associate or any other lawyer affiliated with the lawyer or the lawyer's firm if there is no interference with the exercise of independent professional judgment in behalf of the lawyer's client:</p> <ul style="list-style-type: none">(1) a legal aid office or public defender office:<ul style="list-style-type: none">(i) operated or sponsored by a duly accredited law school.(ii) operated or sponsored by a bona fide nonprofit community organization.(iii) operated or sponsored by a governmental agency.(iv) operated, sponsored, or approved by a bar association.(2) a military legal assistance office.(3) a lawyer referral service operated, sponsored, or approved by a bar association.(4) any bona fide organization that recommends, furnishes or pays for legal services to its members or beneficiaries provided the following conditions are satisfied:<ul style="list-style-type: none">(i) such organization, including any affiliate, is so organized and operated that no
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	<p>profit is derived by it from the furnishing, recommending or rendition of legal services by lawyers and that, if the organization is organized for profit, the legal services are not rendered by lawyers employed, directed, supervised or selected by it except in connection with matters when such organization bears ultimate liability of its member or beneficiary.</p> <p>(ii) neither the lawyer, nor the lawyer's partner or associate or any other lawyer or nonlawyer affiliated with the lawyer or the lawyer's firm directly or indirectly who have initiated or promoted such organization shall have received any financial or other benefit from such initiation or promotion.</p> <p>(iii) such organization is not operated for the purpose of procuring legal work or financial benefit for any lawyer as a private practitioner outside of the legal services program of the organization.</p> <p>(iv) the member or beneficiary to whom the legal services are furnished, and not such organization, is recognized as the client of the lawyer in the matter.</p> <p>(v) any member or beneficiary who is entitled to have legal services furnished or paid for by the organization may, if such member or beneficiary so desires, and at the member or beneficiary's own expense except where the organization's plan provides for assuming such expense, select counsel other than that furnished, selected or approved by the organization for the particular matter involved. Nothing contained herein, or in the plan of any organization that furnishes or pays for legal services pursuant to this section, shall be construed to abrogate the obligations and responsibilities of a lawyer to the lawyer's client as set forth in these Rules.</p> <p>(vi) the lawyer does not know or have cause to know that such organization is in violation of applicable laws, rules of court and other legal requirements that govern its legal service operations.</p> <p>(vii) such organization has first filed with the Supreme Court and at least annually thereafter on the appropriate form prescribed by the Court a report with respect to its legal service plan. Upon such filing, a registration number will be issued and should be used by the operators of the plan on all correspondence and publications pertaining to the plan thereafter. Such organization shall furnish any additional information requested by the Supreme Court.</p> <p>(f) A lawyer shall not accept employment when the lawyer knows or it is obvious that the person who seeks the lawyer's services does so as a result of conduct prohibited under this Rule.</p>
NM Effective 11/2/09	<p>Changed to Rule 16-703;</p> <p>(a) Renamed to Paragraph "A. In-person, live or real-time contact;"</p> <p>(b) Renamed to Paragraph "B. Restrictions on all contacts;"</p> <p>(c) Renamed to Paragraph, "C. Notice required;" Replaces "paragraphs (a)(1) or (a)(2)" with "Subparagraphs (1) or (2) of Paragraph A;"</p> <p>(d) Renamed to Paragraph "D. Exceptions."</p>
NY Effective 4/1/09	<p><i>RULE 7.3: SOLICITATION AND RECOMMENDATION OF PROFESSIONAL EMPLOYMENT</i></p> <p><i>(a) A lawyer shall not engage in solicitation:</i></p> <p><i>(1) by in-person or telephone contact, or by real-time or interactive computer-accessed communication unless the recipient is a close friend, relative, former client or existing client; or</i></p>

	<p>(2) <i>by any form of communication if:</i></p> <ul style="list-style-type: none"><i>(i) the communication or contact violates Rule 4.5, Rule 7.1(a), or paragraph (e) of this Rule;</i><i>(ii) the recipient has made known to the lawyer a desire not to be solicited by the lawyer;</i><i>(iii) the solicitation involves coercion, duress or harassment;</i><i>(iv) the lawyer knows or reasonably should know that the age or the physical, emotional or mental state of the recipient makes it unlikely that the recipient will be able to exercise reasonable judgment in retaining a lawyer; or</i><i>(v) the lawyer intends or expects, but does not disclose, that the legal services necessary to handle the matter competently will be performed primarily by another lawyer who is not affiliated with the soliciting lawyer as a partner, associate or of counsel.</i> <p><i>(b) For purposes of this Rule, “solicitation” means any advertisement initiated by or on behalf of a lawyer or law firm that is directed to, or targeted at, a specific recipient or group of recipients, or their family members or legal representatives, the primary purpose of which is the retention of the lawyer or law firm, and a significant motive for which is pecuniary gain. It does not include a proposal or other writing prepared and delivered in response to a specific request of a prospective client.</i></p> <p><i>(c) A solicitation directed to a recipient in this State shall be subject to the following provisions:</i></p> <ul style="list-style-type: none"><i>(1) A copy of the solicitation shall at the time of its dissemination be filed with the attorney disciplinary committee of the judicial district or judicial department wherein the lawyer or law firm maintains its principal office. Where no such office is maintained, the filing shall be made in the judicial department where the solicitation is targeted. A filing shall consist of:</i><ul style="list-style-type: none"><i>(i) a copy of the solicitation;</i><i>(ii) a transcript of the audio portion of any radio or television solicitation; and</i><i>(iii) if the solicitation is in a language other than English, an accurate English-language translation.</i><i>(2) Such solicitation shall contain no reference to the fact of filing.</i><i>(3) If a solicitation is directed to a predetermined recipient, a list containing the names and addresses of all recipients shall be retained by the lawyer or law firm for a period of not less than three years following the last date of its dissemination.</i><i>(4) Solicitations filed pursuant to this subdivision shall be open to public inspection.</i><i>(5) The provisions of this paragraph shall not apply to:</i><ul style="list-style-type: none"><i>(i) a solicitation directed or disseminated to a close friend, relative, or former or existing client;</i><i>(ii) a web site maintained by the lawyer or law firm, unless the web site is designed for and directed to or targeted at a prospective client affected by an identifiable actual event or occurrence or by an identifiable prospective defendant; or</i>
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	<p><i>(iii) professional cards or other announcements the distribution of which is authorized by Rule 7.5(a).</i></p> <p><i>(d) A written solicitation shall not be sent by a method that requires the recipient to travel to a location other than that at which the recipient ordinarily receives business or personal mail or that requires a signature on the part of the recipient.</i></p> <p><i>(e) No solicitation relating to a specific incident involving potential claims for personal injury or wrongful death shall be disseminated before the 30th day after the date of the incident, unless a filing must be made within 30 days of the incident as a legal prerequisite to the particular claim, in which case no unsolicited communication shall be made before the 15th day after the date of the incident.</i></p> <p><i>(f) Any solicitation made in writing or by computer-accessed communication and directed to a pre-determined recipient, if prompted by a specific occurrence involving or affecting a recipient, shall disclose how the lawyer obtained the identity of the recipient and learned of the recipient's potential legal need.</i></p> <p><i>(g) If a retainer agreement is provided with any solicitation, the top of each page shall be marked "SAMPLE" in red ink in a type size equal to the largest type size used in the agreement and the words "DO NOT SIGN" shall appear on the client signature line.</i></p> <p><i>(h) Any solicitation covered by this section shall include the name, principal law office address and telephone number of the lawyer or law firm whose services are being offered.</i></p> <p><i>(i) The provisions of this Rule shall apply to a lawyer or members of a law firm not admitted to practice in this State who shall solicit retention by residents of this State.</i></p>
NC Effective 3/1/03	<p>Replaces "prospective" with "potential" throughout rule</p> <p>(b)(2): adds "compulsion, intimidation, or threats" to end</p> <p>(c) Targeted Communications. Unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2), every written, recorded, or electronic communication from a lawyer soliciting professional employment from a potential client known to be in need of legal services in a particular matter shall include the statement, in capital letters, "THIS IS AN ADVERTISEMENT FOR LEGAL SERVICES" (the advertising notice) subject to the following requirements:</p> <p>(1) Written Communications. Written communications shall be mailed in an envelope. The advertising notice shall be printed on the front of the envelope, in font that is as large as any other printing on the envelope. The front of the envelope shall contain no printing other than the name of the lawyer or law firm and return address, the name and address of the recipient, and the advertising notice. The advertising notice shall also be printed at the beginning of the body of the letter in font as large or larger than the lawyer's or law firm's name in the letterhead or masthead.</p> <p>(2) Electronic Communications. The advertising notice shall appear in the "in reference" block of the address section of the communication. No other statement shall appear in this block. The advertising notice shall also appear, at the beginning and ending of the electronic communication, in a font as large or larger than the lawyer's or law firm's name in any masthead on the communication.</p> <p>(3) Recorded Communications. The advertising notice shall be clearly articulated at the beginning and ending of the recorded communication.</p> <p>(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a</p>

	<p>prepaid or group legal service plan subject to the following:</p> <p>(1) Definition. A prepaid legal services plan or a group legal services plan ("a plan") is any arrangement by which a person, firm, or corporation, not otherwise authorized to engage in the practice of law, in exchange for any valuable consideration, offers to provide or arranges the provision of legal services that are paid for in advance of the need for the service ("covered services"). In addition to covered services, a plan may provide specified legal services at fees that are less than what a non-member of the plan would normally pay. The legal services offered by a plan must be provided by a licensed lawyer who is not an employee, director or owner of the plan. A plan does not include the sale of an identified, limited legal service, such as drafting a will, for a fixed, one-time fee.</p> <p>(2) Conditions for Participation.</p> <p>(A) The plan must be operated by an organization that is not owned or directed by the lawyer;</p> <p>(B) The plan must be registered with the North Carolina State Bar and comply with all applicable rules regarding such plans;</p> <p>(C) The lawyer must notify the State Bar in writing before participating in a plan and must notify the State Bar no later than 30 days after the lawyer discontinues participation in the plan;</p> <p>(D) After reasonable investigation, the lawyer must have a good faith belief that the plan is being operated in compliance with the Revised Rules of Professional Conduct and other pertinent rules of the State Bar;</p> <p>(E) All advertisements by the plan representing that it is registered with the State Bar shall also explain that registration does not constitute approval by the State Bar; and</p> <p>(F) Notwithstanding the prohibitions in paragraph (a), the plan may use in-person or telephone contact to solicit memberships or subscriptions provided:</p> <p>(i) The solicited person is not known to need legal services in a particular matter covered by the plan; and</p> <p>(ii) The contact does not involve coercion, duress, or harassment and the communication with the solicited person is not false, deceptive or misleading.</p> <p>Adds (e) For purposes of this rule, a potential client is a person with whom a lawyer would like to form a client-lawyer relationship.</p>
ND Effective 8/1/06	<p>(a) A lawyer, or the lawyer's representative, shall not by in-person or telephone contact, or other real-time contact, solicit professional employment from a prospective client when a significant motive for the solicitation is the lawyer's pecuniary gain unless the person contacted:</p> <p>(a)(2): deletes "close"</p> <p>Adds: (b)(3) the receipt of the solicitation is uninvited and imposes any involuntary economic cost on the prospective client to respond to the solicitation.</p> <p>Does not have MR (c)</p> <p>(c): same as MR (d)</p>
OH Effective 2/1/07	<p>(a): replaces "the person contacted" with "either of the following applies"</p> <p>(a)(1) and (2): adds "the person contacted" to beginning</p> <p>(b): adds "either of the following applies" to end</p> <p>(c) Unless the recipient of the communication is a person specified in division (a)(1) or (2) of this rule, every <i>written</i>, recorded, or electronic communication from a</p>

	<p>lawyer soliciting professional employment from a prospective client whom the lawyer <i>reasonably believes</i> to be in need of legal services in a particular matter shall comply with all of the following:</p> <p>(1) Disclose accurately and fully the manner in which the lawyer or <i>law firm</i> became aware of the identity and specific legal need of the addressee;</p> <p>(2) Disclaim or refrain from expressing any predetermined evaluation of the merits of the addressee's case;</p> <p>(3) Conspicuously include in its text and on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication the recital - "ADVERTISING MATERIAL" or "ADVERTISEMENT ONLY."</p> <p>Adds (d) Prior to making a communication soliciting professional employment from a prospective client pursuant to division (c) of this rule to a party who has been named as a defendant in a civil action, a lawyer or <i>law firm</i> shall verify that the party has been served with notice of the action filed against that party. Service shall be verified by consulting the docket of the court in which the action was filed to determine whether mail, personal, or residence service has been perfected or whether service by publication has been completed. Division (d) of this rule shall not apply to the solicitation of a debtor regarding representation of the debtor in a potential or actual bankruptcy action.</p> <p>Adds (e) If a communication soliciting professional employment from a prospective client or a relative of a prospective client is sent within thirty days of an accident or disaster that gives rise to a potential claim for personal injury or wrongful death, the following "Understanding Your Rights" shall be included with the communication.</p> <p>UNDERSTANDING YOUR RIGHTS*</p> <p>If you have been in an accident, or a family member has been injured or killed in a crash or some other incident, you have many important decisions to make. It is important for you to consider the following:</p> <ol style="list-style-type: none">1. Make and keep records - If your situation involves a motor vehicle crash, regardless of who may be at fault, it is helpful to obtain a copy of the police report, learn the identity of any witnesses, and obtain photographs of the scene, vehicles, and any visible injuries. Keep copies of receipts of all your expenses and medical care related to the incident.2. You do not have to sign anything - You may not want to give an interview or recorded statement without first consulting with an attorney, because the statement can be used against you. If you may be at fault or have been charged with a traffic or other offense, it may be advisable to consult an attorney right away. However, if you have insurance, your insurance policy probably requires you to cooperate with your insurance company and to provide a statement to the company. If you fail to cooperate with your insurance company, it may void your coverage.3. Your interests versus interests of insurance company - Your interests and those of the other person's insurance company are in conflict. Your interests may also be in conflict with your own insurance company. Even if you are not sure who is at fault, you should contact your own insurance company and advise the company of the incident to protect your insurance coverage.4. There is a time limit to file an insurance claim - Legal rights, including filing a lawsuit, are subject to time limits. You should ask what time limits apply to your
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	<p>claim. You may need to act immediately to protect your rights.</p> <p>5. Get it in <i>writing</i> - You may want to request that any offer of settlement from anyone be put in <i>writing</i>, including a <i>written</i> explanation of the type of damages which they are willing to cover.</p> <p>6. Legal assistance may be appropriate - You may consult with an attorney before you sign any document or release of claims. A release may cut off all future rights against others, obligate you to repay past medical bills or disability benefits, or jeopardize future benefits. If your interests conflict with your own insurance company, you always have the right to discuss the matter with an attorney of your choice, which may be at your own expense.</p> <p>7. How to find an attorney - If you need professional advice about a legal problem but do not know an attorney, you may wish to check with relatives, friends, neighbors, your employer, or co-workers who may be able to recommend an attorney. Your local bar association may have a lawyer referral service that can be found in the Yellow Pages or on the Internet.</p> <p>8. Check a lawyer's qualifications - Before hiring any lawyer, you have the right to know the lawyer's background, training, and experience in dealing with cases similar to yours.</p> <p>9. How much will it cost? - In deciding whether to hire a particular lawyer, you should discuss, and the lawyer's written fee agreement should reflect:</p> <p>a. How is the lawyer to be paid? If you already have a settlement offer, how will that affect a contingent fee arrangement?</p> <p>b. How are the expenses involved in your case, such as telephone calls, deposition costs, and fees for expert witnesses, to be paid? Will these costs be advanced by the lawyer or charged to you as they are incurred? Since you are obligated to pay all expenses even if you lose your case, how will payment be arranged?</p> <p>c. Who will handle your case? If the case goes to trial, who will be the trial attorney? This information is not intended as a complete description of your legal rights, but as a checklist of some of the important issues you should consider.</p> <p>*THE SUPREME COURT OF OHIO, WHICH GOVERNS THE CONDUCT OF LAWYERS IN THE STATE OF OHIO, NEITHER PROMOTES NOR PROHIBITS THE DIRECT SOLICITATION OF PERSONAL INJURY VICTIMS. THE COURT DOES REQUIRE THAT, IF SUCH A SOLICITATION IS MADE, IT MUST INCLUDE THE ABOVE DISCLOSURE.</p> <p>(f): same as MR (d)</p>
OK Effective 1/1/08	Same as MR
OR Effective 12/1/06	<p>Adds (b)(1): "the lawyer knows or reasonably should know that the physical, emotional or mental state of the prospective client is such that the person could not exercise reasonable judgment in employing a lawyer;"</p> <p>(c): replaces "Advertising Material" with "Advertisement" after "shall include the words."</p> <p>adds "in noticeable and clearly readable fashion" before "on the outside envelope."</p>
PA Effective	<p>(a) and (b) are similar to the MR but worded differently.</p> <p>(a) A lawyer shall not solicit in-person or by intermediary professional employment</p>

7/1/06	<p>from a prospective client with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted is a lawyer or has a family, close personal, or prior professional relationship with the lawyer. The term "solicit" includes contact in-person, by telephone or by real-time electronic communication, but, subject to the requirements of Rule 7.1 and Rule 7.3(b), does not include written communications, which may include targeted, direct mail advertisements.</p> <p>(b) A lawyer may contact, or send a written communication to, a prospective client for the purpose of obtaining professional employment unless:</p> <p>(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer;</p> <p>(2) the person has made known to the lawyer a desire not to receive communications from the lawyer; or</p> <p>(3) the communication involves coercion, duress, or harassment.</p> <p>do not include MR (c) or (d).</p>
RI Effective 4/15/07	<p>(a) Adds:</p> <p><i>(a)(3) is a business organization, a not-for-profit organization, or governmental body and the lawyer seeks to provide services related to the organization.</i></p> <p>(b) Adds:</p> <p><i>(3) the communication contains a false, fraudulent, misleading or deceptive statement or claim or is improper under Rule 7.1;</i></p> <p><i>(4) the lawyer knows or reasonably should know that the physical, emotional, or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer; or</i></p> <p><i>(5) the communication concerns a specific matter and the lawyer knows or reasonably should know that the person to whom the communication is directed is represented by a lawyer in the matter.</i></p> <p>(c) Adds reference to paragraph (a)(3) to end;</p> <p>Adds:</p> <p><i>(d) A copy of each such communication shall be sent to the Supreme Court Disciplinary Counsel and another copy shall be retained by the lawyer for three (3) years. If communications identical in content are sent to two (2) or more prospective clients, the lawyer may comply with this requirement by sending a single copy together with a list of the names and addresses of personal to whom the communication was sent to the Supreme Court Disciplinary Counsel as well as retaining the same information.</i></p> <p>(d) is the same as MR (c).</p>
SC Effective 10/1/05	<p>(b)(2): adds after "harassment": "fraud, overreaching, intimidation or undue influence;"</p> <p>adds as (b)(3): the solicitation concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person solicited or a relative of that person unless the accident or disaster occurred more than thirty (30) days prior to the solicitation;</p> <p>adds as (b)(4): the solicitation concerns a specific matter and the lawyer knows, or</p>

	<p>reasonably should know, that the person solicited is represented by a lawyer in the matter; or</p> <p>adds as (b)(5): the lawyer knows, or reasonably should know, that the physical, emotional, or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer.</p> <p>replaces MR (c) with (c): Every written or recorded communication subject to this Rule shall be filed with the Commission on Lawyer Conduct within ten (10) days after any written communication is sent or any recorded communication is made together with a fee of \$50.00. If a written communication is sent or a recorded communication is made generally to persons similarly situated, a representative copy may be filed with a listing of those persons to whom the communication was sent. Any lawyer who uses written or recorded solicitation shall maintain a file for two years showing the following:</p> <p>(1) the basis by which the lawyer knows the person solicited needs legal services; and</p> <p>(2) the factual basis for any statements made in the written or recorded communication.</p> <p>(d) Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client known to be in need of legal services in a particular matter, and with whom the lawyer has no family, close personal or prior professional relationship, shall conform to Rules 7.1 and 7.2 and, in addition, must conform to the following provisions:</p> <p>(1) The words "ADVERTISING MATERIAL," printed in capital letters and in prominent type, shall appear on the front of the outside envelope and on the front of each page of the material. Every such recorded communication shall clearly state both at the beginning and at the end that the communication is an advertisement.</p> <p>(2) Each written or recorded solicitation must include the following statements:</p> <p>(A) "You may wish to consult your lawyer or another lawyer instead of me (us). You may obtain information about other lawyers by consulting the Yellow Pages or by calling the South Carolina Bar Lawyer Referral Service at 799-7100 in Columbia or toll-free at 1-800-868-2284. If you have already engaged a lawyer in connection with the legal matter referred to in this communication, you should direct any questions you have to that lawyer" and</p> <p>(B) "The exact nature of your legal situation will depend on many facts not known to me (us) at this time. You should understand that the advice and information in this communication is general and that your own situation may vary."</p> <p>Where the solicitation is written, the above statements must be in a type no smaller than that used in the body of the communication.</p> <p>(3) Each written or recorded solicitation must include the following statement: "ANY COMPLAINTS ABOUT THIS LETTER (OR RECORDING) OR THE REPRESENTATIONS OF ANY LAWYER MAY BE DIRECTED TO THE COMMISSION ON LAWYER CONDUCT, POST OFFICE BOX 12159, COLUMBIA, SOUTH CAROLINA 29211-TELEPHONE NUMBER 803-734-2038." Where the solicitation is written, this statement must be printed in capital letters and in a size no smaller than that used in the body of the communication.</p> <p>adds as (e): Written communications mailed to prospective clients shall be sent only by regular U.S. mail, not by registered mail or other forms of restricted or certified</p>
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	<p>delivery.</p> <p>adds as (f): Written communications mailed to prospective clients shall not be made to resemble legal pleadings or other legal documents.</p> <p>adds as (g): Any written communication prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member shall disclose how the lawyer obtained the information prompting the communication.</p> <p>adds as (h): A written communication seeking employment by a specific prospective client in a specific matter shall not reveal on the envelope, or on the outside of a self-mailing brochure or pamphlet, the nature of the client's legal problem.</p> <p>adds as (i): If a lawyer knows that a lawyer other than the lawyer whose name or signature appears on the communication will actually handle the case or matter, or that the case or matter will be referred to another lawyer or law firm, any written communication concerning a specific matter shall include a statement so advising the potential client.</p> <p>(j): same as MR (d). Adds at the end: A lawyer may participate with a prepaid or group legal service plan only if the plan is established in compliance with all statutory and regulatory requirements imposed upon such plans under South Carolina law. Lawyers who participate in a legal service plan must make reasonable efforts to assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(b).</p>
SD Effective 1/1/04	<p>(d): adds at the end: Where the communication is written, the label shall appear in a minimum 18-point type or in type as large as the largest type otherwise used in the written communication, whichever is larger. This labeling requirement shall not apply to mailings of announcements of changes in address, firm structure or personnel, nor to mailings of firm brochures to persons selected on a basis other than prospective employment.</p>
TN Effective 1/1/2011	<p>Changes name to: "Solicitation of Potential Clients"</p> <p>Replaces the word "prospective" with "potential" client throughout the text</p> <p>(b) similar to MR but adds "live" telephone before "telephone"</p> <p>(b)(2) adds "fraud" before "harassment" and adds at the end: "intimidation, overreaching, or undue influence; or"</p> <p>Adds (b)(3):</p> <p><i>A significant motive for the solicitation is the lawyer's pecuniary gain and the communication concerns an action for personal injury, worker's compensation, wrongful death, or otherwise relates to an accident or disaster involving the person to whom the communication is addressed or a member of that person's family, unless the accident or disaster occurred more than thirty (30) days prior to the mailing or transmission of the communication or the lawyer has a family, close personal, or prior professional relationship with the person solicited.</i></p> <p>Adds:</p> <p><i>(c) If a significant motive for the solicitation is the lawyer's pecuniary gain, a lawyer shall not send a written, recorded, or electronic communication soliciting professional employment from a specifically identified recipient who is not a person specified in paragraphs (a)(1) or (a)(2) or (a)(3), unless the communication complies with the following requirements:</i></p> <p><i>(1) The words "Advertising Material" appear on the outside of</i></p>

	<p><i>the envelope, of any, in which a communication is sent and at the beginning and ending of any written, recorded or electronic communication.</i></p> <p><i>(2) A lawyer shall not state of imply that a communication otherwise permitted by these rules has been approved by the Tennessee Supreme Court or the Board of Professional Responsibility.</i></p> <p><i>(3) If a contract for representation is mailed with the communication, the top of each page of the contract shall be marked "SAMPLE" and the words "DO NOT SIGN" shall appear on the client signature line.</i></p> <p><i>(4) Written communications shall not be in the form of or include legal pleadings or other formal legal documents.</i></p> <p><i>(5) Communications delivered to potential clients shall be sent only by regular U.S. mail and not by registered, certified, or other forms of restricted delivery, or by express delivery or courier.</i></p> <p><i>(6) Any communication seeking employment by a specific potential client in a specific matter shall comply with the following additional requirements:</i></p> <p style="padding-left: 40px;"><i>(i) The communication shall disclose how the lawyer obtained the information prompting the communication;</i></p> <p style="padding-left: 40px;"><i>(ii) The subject matter of the proposed representation shall not be disclosed on the outside of the envelope (or self-mailing brochure) in which the communication is delivered; and</i></p> <p style="padding-left: 40px;"><i>(iii) The first sentence of the communication shall state, "IF YOU HAVE ALREADY HIRED OR RETAINED A LAWYER IN THIS MATTER, PLEASE DISREGARD THIS MESSAGE."</i></p> <p><i>(7) A copy of each written, audio, video, or electronically transmitted communication sent to a specific recipient under this Rule shall be retained by the lawyer for two years after its last dissemination along with a record of when, and to whom, it was sent.</i></p> <p>Replaces (d) with:</p> <p><i>Unless the contents thereof include a solicitation of employment, a lawyer need not comply with the requirements of paragraph (c) above when sending announcements of an association or affiliation with another lawyer that complies with the requirements or RPC 7.5, newsletters, brochures, and other similar communications.</i></p>
TX* Effective 3/1/05	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Does not have.</p>
UT Effective 11/1/05	<p>(c): adds at the end; For the purposes of this subsection, "written communication" does not include advertisement through public media, including but not limited to a telephone directory, legal directory, newspaper or other periodical, outdoor</p>

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	advertising, radio or television.
VT Effective 9/1/09	Same as MR
VA Effective 1/1/04	<p>Title: adds “And Recommendation Of Professional Employment” to end</p> <p>(a) A lawyer shall not, by in-person communication, solicit employment as a private practitioner for the lawyer, a partner, or associate or any other lawyer affiliated with the lawyer or the firm from a non-lawyer who has not sought advice regarding employment of a lawyer if:</p> <p>(1) such communication contains a false, fraudulent, misleading, or deceptive statement or claim; or</p> <p>(2) such communication has a substantial potential for or involves the use of coercion, duress, compulsion, intimidation, threats, unwarranted promises of benefits, over persuasion, overreaching, or vexatious or harassing conduct, taking into account the sophistication regarding legal matters, the physical, emotional or mental state of the person to whom the communication is directed and the circumstances in which the communication is made.</p> <p>In-person communication means face-to-face communication and telephonic communication.</p> <p>(b) A lawyer shall not assist in, cooperate with, or offer any qualified legal services plan or assist in or cooperate with any insurer providing legal services insurance as authorized by law to promote the use of services or those of the lawyer’s partner or associate or any other lawyer affiliated with the lawyer or the firm if that assistance, cooperation or offer, and the communications of the organization, are not in accordance with the standards of this Rule or Rule 7.1 and 7.2, as appropriate.</p> <p>(c) A lawyer shall not assist a nonprofit organization which provides without charge legal services to others as a form of political or associational expression to promote the use of services or those of the lawyer’s partner or associate or any other lawyer affiliated with the lawyer or the firm if:</p> <p>(1) the assistance or the communications of the organization on the lawyer’s behalf are false, fraudulent, misleading, or deceptive; or</p> <p>(2) the assistance or the communications of the organization on the lawyer’s behalf involve the use of coercion, duress, compulsion, intimidation, threats, unwarranted promises of benefits, over persuasion, overreaching, or vexatious or harassing conduct, taking into account the physical, emotional or mental state of the person to whom the communication is directed and the circumstances in which the communication is made.</p> <p>(d) A lawyer shall not compensate or give anything of value to a person or organization to recommend or secure employment by a client, or as a reward for having made a recommendation resulting in employment by a client, except that the lawyer may pay for public communications permitted by Rule 7.1 and 7.2 and the usual and reasonable fees or dues charged by a lawyer referral service and any qualified legal services plan or contract of legal services insurance as authorized by law, provided that such communications of the service or plan are in accordance with the standards of this Rule or Rule 7.1 and 7.2, as appropriate.</p> <p>(e) A lawyer shall not accept employment when the lawyer knows or it is obvious</p>

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	<p>that the person who seeks the lawyer's services does so as a result of any person's conduct which is prohibited under this Rule.</p> <p>(f) Notwithstanding any other provisions of this Rule, a lawyer shall not initiate in-person solicitation of professional employment for compensation in a personal injury or wrongful death claim of a prospective client with whom the lawyer has no family or prior professional relationship. In-person solicitation means face-to-face communication and telephone communication.</p>
WA Effective 9/1/06	<p>(a): adds "directly or through a third person" after "shall not"</p> <p>Adds (a)(3) has consented to the contact by requesting a referral from a not-for-profit lawyer referral service.</p> <p>(c): did not adopt</p>
WV* Effective 1/1/89	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Deletes all reference to electronic communication;</p> <p><i>(a) A lawyer shall not by in-person or telephone contact solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship when a motive for the lawyer's doing so is the lawyer's pecuniary gain;</i></p> <p>(c) Replaces language after "envelope" with "and at the beginning and ending of any recorded communication and shall be maintained as required by Rule 7.2(b);"</p> <p>Does not have MR (d).</p>
WI Effective 7/1/07	<p>Adds (b)(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer; or</p> <p>(b)(2) and (3): same as MR (b)(1) and (2)</p> <p>(c): adds "printed" before second instance of "recorded" and "and a copy of it shall be filed with the office of lawyer regulation within five days of its dissemination" to end</p> <p>Adds (e) Except as permitted under SCR 11.06, a lawyer, at his or her instance, shall not draft legal documents, such as wills, trust instruments or contracts, which require or imply that the lawyer's services be used in relation to that document.</p>
WY Effective 7/1/06	<p>Adds: (d) Any targeted communication to prospective clients by a lawyer in person, contact through a third party at the direction of the lawyer, by telephone, or real-time electronic contact is prohibited. Written communication by telegraph, facsimile, by mail or other writing, electronic communication or by any other means of communication directed to a specific prospective client with whom the lawyer has no family or prior professional relationship, who may need legal services due to a specific occurrence, is prohibited within thirty (30) days of the occurrence. After the thirty (30) days have elapsed exclusive of the day of the occurrence, written communication may be directed to a specific prospective client, but such written communication must comply with Rule 7.1 and 7.3(c).</p> <p>(e): same as MR (d)</p>

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