



**ILLINOIS STATE
BAR ASSOCIATION**

ISBA Advisory Opinion on Professional Conduct

ISBA Advisory Opinions on Professional Conduct are prepared as an educational service to members of the ISBA. While the Opinions express the ISBA interpretation of the Illinois Rules of Professional Conduct and other relevant materials in response to a specific hypothesized fact situation, they do not have the weight of law and should not be relied upon as a substitute for individual legal advice.

This Opinion was AFFIRMED by the Board of Governors in January 2010. Please see the 2010 Illinois Rule of Professional Conduct 7.2(a) and (b). This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.

**Opinion 94-12
November, 1994**

Topic: Lawyer Referral

Digest: An Illinois lawyer may not participate in a lawyer referral program which is operated by a for profit organization.

Ref. Illinois Rules of Professional Conduct 7.2(a)(2), 7.2(b)
Florida Bar Association Rule 4-7.6
California Supreme Court Order Pursuant to Business and Profession Code 6155
Texas Title 14, Article 320d
American Bar Association Report of Standing Committee on Lawyer Referral and Information Service

FACTS

Inquiry was made to the committee questioning the propriety of advertisements in telephone Yellow Pages from Florida of Attorney Referral Services and also a nationwide lawyer referral service whose advertisement appeared in the Journal of the American Bar Association. Neither advertisement suggests that the agencies are for low income clients or are agencies operated as not-for-profit organizations.

QUESTION

May an Illinois Lawyer participate in a for-profit lawyer referral systems in Illinois?

OPINION

The Illinois Rules of Professional Conduct address the issues of lawyer referral in Rule 7.2(b) as follows:

A lawyer shall not give anything of value to a person for recommending or having recommended the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or written communication permitted by Rules 7.1 and 7.2 (including fees of personnel preparing such advertising or communication) and may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.

As can be seen, other than paying for reasonable costs of advertising or written communication permitted by Rules 7.1 and 7.2, a lawyer may not give anything of value to a person for recommending a lawyers services. The exception to the rule as applied to Illinois Lawyers is the payment of usual charges for a not-for-profit lawyer referral service or other legal service organization. Concern has been expressed as to protection of the public in lawyer referrals. By restricting these systems to not-for-profit agencies, it is presumed that the public interests are adequately served.

Other states have permitted the establishment of for-profit legal referral systems as licensed by state agencies. In doing so, these states address the issue of protection of the public, not by restricting lawyer referral systems to not-for-profit systems, but rather, by establishing minimum standards for the systems as then licensed and supervised by state agencies. Minimum Standards for Lawyer Referral Service in California effective April 1, 1994, California Supreme Court Order pursuant to Business and Professions Code 61556 enacted September, 1987 and amended 1992 effective January 1, 1993. Rules Regulating the Florida Bar 4-7(b). Texas (Title 14, Article 320d).

The American Bar Association has adopted the report of the Standing Committee on Lawyer Referral and Information Service suggesting adoption by the various states and territories of the "Model Supreme Court Rules Governing Lawyer Referral Services" dated August, 1993, consisting of Rules I-XV and the "Model Lawyer Referral and Information Service Quality Assurance Act dated August, 1993, consisting of Section 1-9.

Illinois has not as yet adopted the Model Code nor has it adopted independent legislation in this regard. Illinois lawyers are governed by Rule 7.2(b). As a result, it would be improper for an Illinois lawyer to subscribe to participation in Lawyer Referral Systems such as outlined in the inquiry.

* * *