



**ILLINOIS STATE
BAR ASSOCIATION**

ISBA Advisory Opinion on Professional Conduct

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This Opinion was AFFIRMED by the Board of Governors in January 2010. Please see the 2010 Illinois Rules of Professional Conduct 7.2 and 7.3 with its Comment [6]. 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 No. 96-1
July, 1996

Topic: Communication concerning lawyer's services.

Digest: A lawyer may distribute printed material advising persons of their legal rights who are in attendance at public service seminars and to community advocates for personal circulation to interested persons.

Ref.: Illinois Rules of Professional Conduct, Rules 7.2, 7.3(a)(3)
ISBA Opinion Nos. 727, 84-04 and 95-08

QUESTIONS

May a lawyer distribute materials discussing legal matters, with the lawyer's name, address and telephone number being shown on the materials, to persons (non-clients) attending public service seminars? The lawyer would not pay the organization for listing the materials.

May a lawyer distribute materials discussing legal matters to community advocates for distribution to interested parties? The lawyer would not pay for the distribution of the materials.

OPINION

Rule 7.2 permits a lawyer to advertise services through written communication not involving

solicitation provided:

- (a) A copy of the communication is kept for three years after its last dissemination along with a record of where it was used.
 - (2) ...includes the name of at least one lawyer responsible for its content.
 - (3) A lawyer shall not give anything of value to a person for recommending or having recommended the lawyer's services....

Rule 7.3 provides that a lawyer may initiate contact with a prospective client for the purpose of solicitation:

- (2) by letters or advertising circulars, providing that such letters and circulars and the envelopes containing them are plainly labeled as advertising material.

A lawyer may distribute materials at a seminar and community advocates may distribute the lawyer's material, which materials must contain at least the name of one attorney responsible for the content. The lawyer would be restricted from giving anything of value to the promoter of the seminar or community advocates for the distribution of the materials.

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