**RULE 7.3 DIRECT CONTACT WITH PROSPECTIVE CLIENTS**

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| GRPC RULE 7.3: | ABA MODEL RULE 7.3: |
| (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:  (1) it has been made known to the lawyer that a person does not desire to receive  communications from the lawyer;  (2) the communication involves coercion, duress, fraud, overreaching, harassment,  intimidation or undue influence;  (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  (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.  (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.  (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:  (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;  (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) 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 annually with the State Disciplinary Board a report showing its rules and regulations, its subscription charges, agreements with counsel, the number of lawyers participating and the names and addresses of the lawyers participating in the service;  (ii) the sponsoring bar association for the lawyer referral service must be  open to all lawyers licensed and eligible to practice in this state who maintain an office within the geographical area served, and who meet reasonable objectively determinable experience requirements established by the bar association;  (iii) The combined fees charged by a lawyer and the lawyer referral service  to a client referred by such service shall not exceed the total charges which the client would have paid had no service been involved; and,  (iv) A lawyer who is a member of the qualified lawyer referral service must  maintain in force a policy of errors and omissions insurance in an amount no  less than $100,000 per occurrence and $300,000 in the aggregate.  (3) A lawyer may pay the usual and reasonable fees to a qualified legal services plan or insurer providing legal services insurance as authorized by law to promote the  use of the lawyer’s services, the lawyer’s partner or associates services so long as the communications of the organization are not false, fraudulent, deceptive or  misleading;  (4) A lawyer may pay the usual and reasonable fees charged by a lay public relations or marketing organization provided the activities of such organization on behalf of the lawyer are otherwise in accordance with these Rules.  (5) A lawyer may pay for a law practice in accordance with *Rule 1.17: Sale of Law*  *Practice.*  (d) **A lawyer *shall not solicit professional employment* as a private practitioner for the lawyer, a partner or associate *through direct personal contact* or through live telephone contact, with a non-lawyer who has not sought advice regarding employment of a lawyer**.  (e) A lawyer shall not accept employment when the lawyer knows or it is obvious that the person who seeks to employ the lawyer does so as a result of conduct by any person or organization prohibited under Rules 7.3(c)(1), 7.3(c)(2) or 7.3(d): *Direct Contact with* *Prospective Clients.*  The maximum penalty for a violation of this Rule is disbarment. | 1. *Copied below next to GRPC 7.3(d)*   (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:  (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.    (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).    (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.  (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**:  (1) is a lawyer; or  (2) **has a family, close personal, or prior professional relationship with the lawyer.** |