

ETHICS ADVISORY PANEL  
Opinion #93-30, Request #363  
Issued May 12, 1993

An attorney inquires regarding Rule 7.3 of the Rhode Island Rules of Professional Conduct. The attorney asks whether an unsolicited mailing of a brochure to prospective clients which describes a law firm's services constitutes solicitation of professional employment pursuant to Rule 7.3(a).

The Panel believes that the aforementioned mailing falls within the purview of Rule 7.3 entitled "Direct Contact with Prospective Clients." The mailing is "solicitation" under this rule, therefore, the attorney must comply with the criteria set forth in Rule 7.3(b).

The attorney also asks whether a common membership, between a law firm and a prospective client, in a professional business organization, constitute a "prior professional relationship" under Rule 7.3(a). The Panel opines that such a membership does not constitute a "prior professional relationship" envisioned under Rule 7.3. If the attorney intends to send a mailing to the members of this organization it must be marked advertisement in accordance with Rule 7.3(b).

Lastly, the attorney asks whether Rule 7.3(b)(1) applies to communications, such as brochures, sent in response to a request by a prospective client. The Panel believes that the requirements set forth in Rule 7.3(b)(1) do not apply in situations where there is an unsolicited request by a prospective client for firm communications or literature.