

State Variations – Rule 7.3

State	Variation(s)
Alabama	<p><u>Solicitation Defined</u> Alabama’s definition of “solicit” includes contact in person, by telephone, telegraph, or facsimile transmission, or by other communication directed to a specific recipient and includes contact by any written form of communication directed to a specific recipient and not meeting an exception.</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Alabama does not include contact with a lawyer or contact with a person who routinely uses for business purposes the type of legal services offered, as exceptions to the general prohibition on solicitation. Alabama does not address situations where communications are authorized by law or ordered by a court, nor does it address participation in prepaid or group legal service plans.</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Alabama adds that a lawyer shall not send a written communication to a prospective client for the purpose of obtaining professional employment if the communication involves fraud, overreaching, intimidation, or undue influence by the lawyer. Additionally, Alabama adds a solicitation prohibition where 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. Finally, solicitations may not be addressed to a person that the lawyer knows or reasonably should know is a minor or is incompetent, or whose physical, emotional, or mental state makes it unlikely that the person would exercise reasonable judgment in employing a lawyer.</p> <p><u>Procedural/Content Requirements</u> Alabama adds temporal, procedural, and content requirements of written communications:</p> <ul style="list-style-type: none"> • A lawyer shall not send, or knowingly permit to be sent, on the lawyer's behalf or on behalf of the lawyer's firm or on behalf of a partner, an 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: <ul style="list-style-type: none"> ○ The written communication concerns an action for personal injury or wrongful death arising out of, or otherwise related 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 giving rise to the cause of action occurred more than thirty (30) days prior to the mailing of the communication; ○ The written communication concerns a civil proceeding pending in a state or federal court, unless service of process was obtained on the defendant or other potential client more than seven (7) days prior to the mailing of the communication; ○ The written communication concerns a criminal proceeding pending in a state or federal court, unless the defendant or other potential client was served with a warrant or information more than seven (7) days prior to the mailing of the communication;

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	<ul style="list-style-type: none"> ○ 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; ○ The communication contains a false, fraudulent, misleading, deceptive, or unfair statement or claim or is improper under Rule 7.1; or ● In addition to the requirements of Rule 7.2, written communications to prospective clients for the purpose of obtaining professional employment are subject to the following requirements: <ul style="list-style-type: none"> ○ A sample copy of each written communication and a sample of the envelope to be used in conjunction with the communication, along with a list of the names and addresses of the recipients, shall be filed with the office of general counsel of the Alabama State Bar before or concurrently with the first dissemination of the communication to the prospective client or clients. A copy of the written communication must be retained by the lawyer for six (6) years. If the communication is subsequently sent to additional prospective clients, the lawyer shall file with the office of general counsel of the Alabama State Bar a list of the names and addresses of those clients either before or concurrently with that subsequent dissemination. If the lawyer regularly sends the identical communication to additional prospective clients, the lawyer shall, once a month, file with the office of general counsel a list of the names and addresses of those clients contacted since the previous list was filed; ○ Written communications mailed to prospective clients shall be sent only by regular mail, and shall not be sent by registered mail or by any other form of restricted delivery or by express mail; ○ No reference shall be made either on the envelope or in the written communication that the communication is approved by the Alabama State Bar; ○ The written communication shall not resemble a legal pleading, official government form or document (federal or state), or other legal document, and the manner of mailing the written communication shall not make it appear to be an official document; ○ The word "advertisement" shall appear prominently in red ink on each page of the written communication, and the word "advertisement" shall also appear in the lower left-hand corner of the envelope in 14-point or larger type and in red ink. If the communication is a self-mailing brochure or pamphlet, the word "advertisement" shall appear prominently in red ink on the address panel in 14-point or larger type; ○ If a contract for representation is mailed with the written communication, it will be considered a sample contract and the top of each page of the contract shall be marked "SAMPLE." The word "SAMPLE" shall be in red ink in a type size at least one point larger than the largest type used in the contract. The words "DO NOT SIGN" shall appear on the line provided for the client's signature; ○ The first sentence of the written communication shall state: "If you have already hired or retained a lawyer in connection with [state the general subject matter of the solicitation], please disregard this letter [pamphlet, brochure, or written communication]";

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	<ul style="list-style-type: none"> ○ If the written communication is prompted by a specific occurrence (e.g., death, recorded judgment, garnishment) the communication shall disclose how the lawyer obtained the information prompting the communication; ○ 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; and ○ A lawyer who uses a written communication must be able to prove the truthfulness of all the information contained in the written communication.
<p style="text-align: center;">Alaska</p>	<p><u>Solicitation Defined</u> Alaska does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Alaska uses “in-person, live telephone, or real-time electronic contact” with respect to communications. Alaska does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Alaska’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Alaska does not address situations where communications are authorized by law or ordered by a court. Alaska’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Alaska adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u> Alaska adds a provision on the language contents of advertisements: “Every written, recorded, or electronic communication from a lawyer soliciting professional employment from anyone 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 [the exceptions to solicitation].”</p>
<p style="text-align: center;">Arizona</p>	<p><u>Solicitation Defined</u> Arizona uses the term “firm” rather than “law firm” in its solicitation definition.</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Arizona’s language regarding participation in prepaid or group legal service plans uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> In providing the prohibitions on solicitation, Arizona adds that a lawyer shall not “knowingly permit solicitation on the lawyer’s behalf” under the provided circumstances.</p>

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Arkansas	<p><u>Solicitation Defined</u> Arkansas does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Arkansas uses “in-person, live telephone, or real-time electronic contact” with respect to communications. Arkansas does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Arkansas’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Arkansas does not address situations where communications are authorized by law or ordered by a court. Arkansas’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>Procedural/Content Requirements</u> Arkansas adds written communication language requirements, timing for death claims solicitation, and certain disclosure of how information was obtained on the intended recipient:</p> <ul style="list-style-type: none"> • Notwithstanding the prohibitions described in paragraph (a), a lawyer may solicit professional employment from anyone known to be in need of legal services in a particular matter by written communication. Such written communication shall: <ul style="list-style-type: none"> ○ 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; ○ Only be sent by regular mail; ○ Not have the appearance of legal pleadings or other official documents; ○ Plainly state in capital letters "ADVERTISEMENT" on each page of the written communication; ○ Begin with the statement "If you have already retained a lawyer, please disregard this letter"; ○ 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, ○ Shall comply with all applicable rules governing lawyer advertising. • In death claims, the written communication permitted by paragraph (b) shall not be sent until 30 days after the accident. • 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><u>No Solicitation Regardless of Any Exceptions</u> Arkansas’s solicitation prohibitions “written or recorded communication or by in-person or telephone contact.” Arkansas also adds no solicitation where such communications</p>

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	involve “fraud, overreaching, intimidation, or undue influence.” Arkansas further includes: “the subject of the solicitation is known to the lawyer to be represented in connection with the matter concerning the solicitation by counsel, except where the subject has initiated the contact with the lawyer.”
California	<p><u>Solicitation Defined</u> California’s definition includes oral and written targeted communication. It does not include reference to “law firm” and omits “the lawyer knows or reasonably should know needs legal services in a particular matter.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> California uses “in-person, live telephone, or real-time electronic contact” with respect to communications. California does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. California’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. California does not address situations where communications are authorized by law or ordered by a court. California’s language regarding participation in prepaid or group legal service plans adds “in-person, live telephone, or real-time electronic” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> California adds communication “by written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact”. Additionally, California adds no solicitation where such communications involve “intrusion.”</p> <p><u>Procedural/Content Requirements</u> California adds a provision on the language contents of advertisements: “(c) Every written, recorded, or electronic communication from a lawyer soliciting professional employment from any person known to be in need of legal services in a particular matter shall include the word “Advertisement” or words of similar import 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 [the exceptions to solicitation], or unless it is apparent from the context that the communication is an advertisement.”</p>
Colorado	<p><u>Procedural/Content Requirements</u></p> <ul style="list-style-type: none"> ○ Colorado has special limitations on solicitations for personal injury and wrongful death matters. <p>Colorado adds language addressing the contents of written advertisements:</p> <ul style="list-style-type: none"> ● Every communication from a lawyer soliciting professional employment shall: <ul style="list-style-type: none"> ○ 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 [the exceptions to solicitation]; ○ Not reveal on the envelope or on the outside of a self-mailing brochure or pamphlet the nature of the person's legal problem; and ○ Be maintained for a period of five years from the date of dissemination of the communication, and include a copy or recording of each such

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	<p>communication and a sample of the envelope, if any, in which the communication is enclosed, unless the recipient of the communication is a person specified in [the exceptions to solicitation].</p>
<p>Connecticut</p>	<p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Connecticut does not include reference to “law firm.” Connecticut adds language allowing solicitation 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. Connecticut also allows for contact with a business organization, not-for-profit organization, or governmental body and the lawyer seeks to provide services related to the organization.</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Connecticut adds a solicitation prohibition where “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.” Additionally, Connecticut prohibits solicitation involving fraud, overreach, intimidation, and undue influence. Finally, Connecticut has limitations on solicitations in personal injury and wrongful death matters.</p> <p><u>Procedural/Content Requirements</u> Connecticut adds language and delivery requirements for advertising: “Every written solicitation, as well as any solicitation by audio or video recording, or other electronic means, used by a lawyer for the purpose of obtaining professional employment from anyone 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 written solicitation and the lower left corner of the outside envelope or container, if any, and at the beginning and ending of any solicitation by audio or video recording or other electronic means. If the written solicitation 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. Communications solicited by clients or any other person, or if the recipient is a person or entity within the scope of [the exceptions to solicitation] of this Rule, need not contain such marks. No reference shall be made in the solicitation to the solicitation having any kind of approval from the Connecticut bar. Such written solicitations shall be sent only by regular United States mail, not by registered mail or other forms of restricted delivery.”</p>
<p>Delaware</p>	<p><u>Solicitation Defined</u> Delaware does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Delaware uses “in-person, live telephone, or real-time electronic contact” with respect to communications. Delaware does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of</p>

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	<p>legal services offered by the lawyer. Delaware’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation.</p> <p>Delaware does not address situations where communications are authorized by law or ordered by a court.</p> <p>Delaware’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u></p> <p>Delaware adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u></p> <p>Delaware adds a provision on the language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone 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 [the exceptions to solicitation].”</p>
District of Columbia	<p>No equivalent rule.</p>
Florida	<p><u>Solicitation Defined</u></p> <p>Florida defines the term “solicit” to include “in person, by telephone, by electronic means that include real-time communication face-to-face such as video telephone or video conference, or by other communication directed to a specific recipient that does not meet the requirements of [the exceptions to solicitation] of this rule and rules 4-7.11 through 4-7.17 of these rules.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u></p> <p>Florida provides that a lawyer may not solicit from a prospective client with whom the lawyer has no family or prior professional relationship when motive is significant pecuniary gain. Florida does not make reference to business relationships or routine use for business purposes. Florida also does not establish a communication exception for contact with another lawyer.</p> <p>Florida does not address situations where communications are authorized by law or ordered by a court.</p> <p>Florida does not address participation in prepaid or group legal service plans.</p> <p><u>No Solicitation Regardless of Any Exceptions</u></p> <p>Florida adds that a lawyer may not enter into an agreement for, charge, or collect a fee for employment obtained in violation of Florida’s rule.</p> <p>Florida adds that a lawyer (or persons on behalf of a lawyer or lawyer’s firm) may not send written communication if: (A) concerns personal injury or wrongful death, or accident/disaster within 30 days of incident, (B) lawyer knows person is already represented, (C) communication involves fraud, overreaching, intimidation, or undue influence, (D) communication violates rules 4-7.11 through 4-7.17 of Florida’s rules, (E)</p>

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	<p>where physical, mental, or emotional state makes reasonable judgment unlikely, (F) concerns a request for an injunction for protection against physical violence and is addressed to the respondent, if the lawyer knows or reasonably should know that the respondent has not yet been served with notice.</p> <p><u>Procedural/Content Requirements</u> Florida adds specific content requirements of any written communications.</p> <ul style="list-style-type: none"> • Written communications to prospective clients for the purpose of obtaining professional employment that are not prohibited by [above solicitation prohibitions] are subject to the following requirements: <ul style="list-style-type: none"> ○ Such communications are subject to the requirements of 4-7.11 through 4-7.17 of these rules. ○ Each separate enclosure of the communication and the face of an envelope containing the communication must be reasonably prominently marked “advertisement” in ink that contrasts with both the background it is printed on and other text appearing on the same page. If the written communication is in the form of a self-mailing brochure or pamphlet, the “advertisement” mark must be reasonably prominently marked on the address panel of the brochure or pamphlet, on the inside of the brochure or pamphlet, and on each separate enclosure. If the written communication is sent via electronic mail, the subject line must begin with the word “advertisement.” ○ Every written communication must be accompanied by a written statement detailing the background, training, and experience of the lawyer or law firm. This statement must include information about the specific experience of the advertising lawyer or law firm in the area or areas of law for which professional employment is sought. Every written communication disseminated by a lawyer referral service must be accompanied by a written statement detailing the background, training, and experience of each lawyer to whom the recipient may be referred. ○ If a contract for representation is mailed with the written communication, the top of each page of the contract must be marked “SAMPLE” in red ink in a type size one size larger than the largest type used in the contract and the words “DO NOT SIGN” must appear on the client signature line. ○ The first sentence of any written communication prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member must be: “If you have already retained a lawyer for this matter, please disregard this letter.” ○ Written communications must not be made to resemble legal pleadings or other legal documents. ○ 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 must include a statement so advising the client. ○ Any written communication prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member must disclose how the lawyer obtained the information

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	<p>prompting the communication. The disclosure required by this rule must be specific enough to enable the recipient to understand the extent of the lawyer’s knowledge regarding the recipient’s particular situation.</p> <ul style="list-style-type: none"> ○ A written communication seeking employment by a specific prospective client in a specific matter must not reveal on the envelope, or on the outside of a self-mailing brochure or pamphlet, the nature of the client’s legal problem. Subparagraph (b)(3) provides that the content requirements of (b)(2) do not apply to communications between lawyers, between lawyers and their own current and former clients, or between lawyers and their own family members, or to communications by the lawyer at a prospective client’s request. <p>Finally, Florida adds language that the above content requirements do not apply “to communications between lawyers, between lawyers and their own current and former clients, or between lawyers and their own family members, or to communications by the lawyer at a prospective client’s request.”</p>
<p>Georgia</p>	<p><u>Solicitation Defined</u> Georgia does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Georgia does not provide similarly applicable language.</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Georgia adds prohibitions on written communication by a lawyer (or their firm, associates, etc.) for obtaining employment if: communication involves fraud, overreaching, intimidation, or undue influence; personal injury or wrongful death, accident/disaster within 30 days of incident; and physical, emotional, or mental state makes person unable to exercise reasonable judgment in employing a lawyer. Georgia provides that a lawyer shall not solicit employment as a private practitioner for the lawyer, a partner, or associate through direct personal contact or through live telephone contact, with a nonlawyer who has not sought advice regarding employment of a lawyer. Georgia also adds that a lawyer shall not accept employment when the lawyer knows or reasonably should know that the person who seeks to employ the lawyer does so as a result of conduct by any person or organization that would violate the state rule if engaged in by a lawyer. The maximum penalty for a violation of the state rule is disbarment. Georgia does not address situations where communications are authorized by law or ordered by a court. Georgia does not address participation in prepaid or group legal service plans.</p> <p><u>Procedural/Content Requirements</u> Georgia adds content requirements for written communications: “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.”</p> <p><u>Referral Compensation Guidelines</u></p>

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	<p>Georgia adds prohibitions and guidelines with respect to compensation for recommendations/referrals in securing the lawyer’s employment.</p>
Hawaii	<p><u>Solicitation Defined</u> Hawaii does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Hawaii does not include an exception for contact with another lawyer, prior business relationship, or routine business use. Hawaii references “in-person, live telephone, or real-time electronic contact.” Hawaii does not address situations where communications are authorized by law or ordered by a court. Hawaii’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Hawaii adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions. Additionally, Hawaii has limitations on solicitation for personal injury and wrongful death matters.</p> <p><u>Procedural/Content Requirements</u> Idaho adds a provision on the language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone 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 [the exceptions to solicitation].”</p>
Idaho	<p><u>Solicitation Defined</u> Idaho does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Idaho uses “in-person, live telephone, or real-time electronic contact” with respect to communications. Idaho does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Idaho’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Idaho does not address situations where communications are authorized by law or ordered by a court. Idaho’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u></p>

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	<p>Idaho adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u> Idaho adds a provision on the language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone 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 [the exceptions to solicitation].”</p>
Illinois	<p><u>Solicitation Defined</u> Illinois does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Illinois uses “in-person, live telephone, or real-time electronic contact” with respect to communications. Illinois does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Illinois’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Illinois adds “the solicitation seeks representation of the respondent in a case brought under any law providing for an <i>ex parte</i> protective order for personal protection when the solicitation is made prior to the respondent having been served with the order.” Illinois does not address situations where communications are authorized by law or ordered by a court. Illinois’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Illinois adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u> Illinois adds a provision on the language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone 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 [the exceptions to solicitation].”</p>
Indiana	<p><u>Solicitation Defined</u> Indiana does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Indiana refers to “in-person, live telephone, or real-time electronic contact.” Additionally, Indiana’s rule applies to the lawyer’s employee or agent. Indiana does not include contact</p>

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	<p>with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Indiana does not address situations where communications are authorized by law or ordered by a court.</p> <p>While Indiana does not address participation in prepaid or group legal service plans in the exact manner as the model rule, Indiana does provide language related to organizations/persons who can refer/recommend the lawyer to persons without such recommendation being a violation of the state rule.</p> <p><u>No Solicitation Regardless of Any Exceptions</u></p> <p>Indiana refers to solicitation by written, recorded, audio, video, or electronic communication, including the internet. Indiana adds prohibitions with the following prongs: (1) solicitation concerning personal injury, wrongful death, accident, or disaster within 30 days of incident; (2) for a specific matter lawyer knows person is already represented; (3) physical, emotional, or mental state makes person unlikely to exercise reasonable judgment in employing a lawyer.</p> <p>Indiana also adds that a lawyer shall not accept employment where they know that such acceptance would violate the state rule.</p> <p><u>Procedural/Content Requirements</u></p> <p>Indiana provides for content, filing, and retention requirements of lawyer solicitations: “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 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 or electronic communication, unless the recipient of the communication is a person specified in [the exceptions to solicitation]. 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><u>Referral Compensation Guidelines</u></p> <p>Indiana provides for circumstances in which a lawyer may not compensate others for a referral or recommendation.</p>

State	Variation(s)
<p style="text-align: center;">Kansas</p>	<p><u>Solicitation Defined</u> Kansas does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Kansas uses “in-person, live telephone, or real-time electronic contact” with respect to communications. Kansas does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Kansas’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Kansas does not address situations where communications are authorized by law or ordered by a court. Kansas’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Kansas adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u> Kansas adds a provision on the language contents of advertisements: “Every written, recorded, or electronic communication from a lawyer soliciting professional employment from anyone known to be in need of legal service 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 [the exceptions to solicitation].”</p>
<p style="text-align: center;">Kentucky</p>	<p><u>Solicitation Defined</u> Kansas does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Kentucky refers to communication as “in-person, live telephone, or real-time electronic means.” Kentucky does not include exception with respect to a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Kentucky’s exception relates to a person who “has an immediate family relationship or prior attorney-client relationship.” Kentucky’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Kentucky adds an exception in circumstances where the lawyer is advocating a public interest issue and is not significantly motivated by the lawyer's pecuniary gain. Kentucky provides that the rule does not prohibit response to inquiries initiated by persons who may become prospective clients at the time of any other incidental contact not designed or intended by the lawyer to solicit employment. Kentucky does not address situations where communications are authorized by law or ordered by a court.</p>

State	Variation(s)
	<p>Kentucky’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Kentucky includes reference to solicitation by written, recorded, or electronic communication or by in-person, live telephone, or real-time electronic contact. Kentucky also prohibits communication within 30 days for persons involved in a disaster as defined in SCR 3.130.</p> <p><u>Procedural/Content Requirements</u> Kentucky adds language regarding language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone known to be in need of legal services in a particular matter shall include the words "Advertising Material" on the outside of the envelope, if any, or in the subject line if sent as an email, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in [the exceptions to solicitation].”</p>
<p>Louisiana</p>	<p><u>Solicitation Defined</u> Louisiana defines solicitation as “contact in person, by telephone, telegraph, or facsimile, or by other communication directed to a specific recipient and includes (i) any written form of communication directed to a specific recipient and not meeting the requirements of subdivision (b) of this Rule, and (ii) any electronic mail communication directed to a specific recipient and not meeting the requirements of subdivision (c) of Rule 7.6.” Louisiana also clarifies that “prior lawyer-client relationship” shall not include relationships in which the client was an unnamed member of a class action.</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Louisiana provides that a lawyer shall not solicit from a prospective client with whom the lawyer has no family or prior lawyer-client relationship, in person, by person-to-person verbal telephone contact, through others acting at the lawyer’s request or on the lawyer’s behalf or otherwise. Louisiana’s language does not address communication with another lawyer; close personal or prior business or professional relationships; or persons who routinely uses for business purposes the type of legal services offered by the lawyer. Louisiana adds prohibitions where the communication involves fraud, overreaching, intimidation, or undue influence; personal injury, wrongful death, accident, or disaster within the last 30 days; false, misleading, deceptive statements; or physical, emotional, or mental state makes reasonable judgment unlikely in the employment of a lawyer.</p> <p><u>Procedural/Content Requirements</u> Louisiana adds certain language requirements for unsolicited written communications:</p> <ul style="list-style-type: none"> • Unsolicited written communications to prospective clients for the purpose of obtaining professional employment are subject to the following requirements: <ul style="list-style-type: none"> ○ Unsolicited written communications to a prospective client are subject to the requirements of Rule 7.2. ○ In instances where there is no family or prior lawyer-client relationship, a lawyer shall not initiate any form of targeted solicitation, whether a written or recorded communication, of a person or persons known to need

State	Variation(s)
	<p>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:</p> <ul style="list-style-type: none"> ▪ Such communication shall state clearly the name of at least one member in good standing of the association responsible for its content. ▪ The top of each page of such written communication and the lower left corner of the face of the envelope in which the written communication is enclosed shall be plainly marked “ADVERTISEMENT” in print size at least as large as the largest print used in the written communication. 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 and on the inside of the brochure or pamphlet. Written communications solicited by clients or prospective clients, or written communications sent only to other lawyers need not contain the “ADVERTISEMENT” mark. <ul style="list-style-type: none"> ○ Unsolicited written communications mailed to prospective clients shall not resemble a legal pleading, notice, contract, or other legal document and shall not be sent by registered mail, certified mail, or other forms of restricted delivery. ○ If a lawyer other than the lawyer whose name or signature appears on the communication will actually handle the case or matter, any unsolicited written communication concerning a specific matter shall include a statement so advising the client. ○ Any unsolicited written communication prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member of that person shall disclose how the lawyer obtained the information prompting the communication. ○ An unsolicited 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>Maine</p>	<p><u>No Solicitation Regardless of Any Exceptions</u> Maine provides that a lawyer 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. With respect to communication, Maine uses “written, recorded or electronic communication or by in-person, telephone or real-time electronic contact.”</p> <p><u>Solicitation Defined</u> Maine provides factors for considering the solicitation, including 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. Contact includes “in person, by live telephone, or by real-time electronic.”</p>

State	Variation(s)
	<p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Maine’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.” Maine does not address situations where communications are authorized by law or ordered by a court.</p>
Maryland	<p><u>Solicitation Defined</u> Maryland does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Maryland uses “in-person, live telephone, or real-time electronic contact” with respect to communications. Maryland does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Maryland’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Maryland does not address situations where communications are authorized by law or ordered by a court. Maryland’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Maryland adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions. Maryland adds that the attorney may not solicit if the attorney knows or reasonably should know that the physical, emotional, or mental state of the prospective client is such that the prospective client could not exercise reasonable judgment in employing an attorney.</p> <p><u>Procedural/Content Requirements</u> Maryland adds a provision on the language contents of advertisements: “Every written, recorded, or electronic communication from an attorney 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 [the exceptions to solicitation] of this Rule.”</p>
Massachusetts	<p><u>Solicitation Defined</u> Massachusetts does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Massachusetts refers to communication as “in-person, live telephone, or real-time electronic contact.” Massachusetts does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer.</p>

	<p>Additionally, Massachusetts uses the word “fee” rather than the term “pecuniary gain” and the reference to “family, close personal” does not appear in the Massachusetts rule. Massachusetts adds exceptions to solicitation where the person is: “a grandparent of the lawyer or the lawyer’s spouse, a descendant of the grandparents of the lawyer or the lawyer’s spouse, or the spouse of any of the foregoing persons; ... is (i) a representative of an organization, including a non-profit or government entity, in connection with the activities of such organization, or (ii) a person engaged in trade or commerce as defined in G.L. c. 93A, § 1(b), in connection with such person’s trade or commerce.” Massachusetts does not address situations where communications are authorized by law or ordered by a court.</p> <p>Regarding participation in prepaid or group legal service plans, Massachusetts provides the following language addressing such situations in a different manner: “...a lawyer may request referrals from a lawyer referral service operated, sponsored, or approved by a bar association or other non-profit organization, and cooperate with any other qualified legal assistance organization.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Massachusetts includes solicitation by written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact. Massachusetts also adds a prohibition where “the lawyer knows or reasonably should know that the physical, mental, or emotional state of the target of the solicitation is such that the target cannot exercise reasonable judgment in employing a lawyer.” Massachusetts clarifies that this prohibition only applies to solicitations for a fee.</p>
<p>Michigan</p>	<p><u>Solicitation Defined</u> Michigan adds a more detailed definition of “solicit” being: “contact in person, by telephone or telegraph, by letter or other writing, or by other communication directed to a specific recipient, but does not include letters addressed or advertising circulars distributed generally 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, nor does the term “solicit” include “sending truthful and nondeceptive letters to potential clients known to face particular legal problems” as elucidated in <i>Shapero v Kentucky Bar Ass’n</i>, 486 US 466, 468; 108 S Ct 1916; 100 L Ed 2d 475 (1988).”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Michigan does not include reference to a prior business relationship or close personal relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Michigan’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Michigan does not address situations where communications are authorized by law or ordered by a court. Michigan does not address participation in prepaid or group legal service plans.</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Michigan adds clarification that contact means: “from a person by written or recorded communication or by in-person or telephone contact.” Additionally, instead of “target of the solicitation,” Michigan just uses “person.”</p>
<p>Minnesota</p>	<p><u>Solicitation Defined</u> Minnesota does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u></p>

	<p>Minnesota uses “in-person, live telephone, or real-time electronic contact...from anyone” with respect to communications.</p> <p>Minnesota does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Alaska’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation.</p> <p>Minnesota does not address situations where communications are authorized by law or ordered by a court.</p> <p>Minnesota’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u></p> <p>Minnesota adds communication by “written, recorded, or electronic communication or by in-person or telephone contact.”</p> <p><u>Procedural/Content Requirements</u></p> <p>Minnesota adds a provision on the language contents of advertisements: “Every written, recorded, or electronic communication from a lawyer soliciting professional employment from anyone known to be in need of legal services in a particular matter shall clearly and conspicuously include the words “Advertising Material” on the outside envelope, if any, and within any written, recorded, or electronic communication, unless the recipient of the communication is a person specified in [the exceptions to solicitation].”</p>
<p>Mississippi</p>	<p><u>Solicitation Defined</u></p> <p>Mississippi does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u></p> <p>Mississippi uses “in-person, live telephone, or real-time electronic contact” with respect to communications.</p> <p>Mississippi does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Mississippi’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation.</p> <p>Mississippi does not address situations where communications are authorized by law or ordered by a court.</p> <p>Mississippi’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u></p> <p>Mississippi adds communication by “written, recorded, or electronic communication or by in-person, telephone real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u></p> <p>Mississippi adds a provision on the language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from a particular prospective client known to be in need of legal services in a particular matter, with whom the lawyer has no family, close personal, or prior professional relationship, shall include the words, “solicitation material” on the outside envelope or at the beginning and ending of any recorded communication.”</p>

Missouri

Solicitation Defined

Missouri's rule 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.

Exceptions to No Solicitation/Not Considered Solicitation

Missouri uses "in-person, telephone, or real time electronic solicitation" with respect to communications.

Missouri does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Missouri's rule also does not encompass a lawyer's law firm with respect to the exceptions to no solicitation. Specifically, Missouri only references "existing or former client, lawyer, close friend, or relative."

Missouri does not address situations where communications are authorized by law or ordered by a court.

Regarding participation in prepaid or group legal service plans, Missouri does not have exact language, but does provide that the rule does 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."

Procedural/Content Requirements

Missouri adds language covering the content, delivery, and retention requirements for written solicitations that are not directed to existing or former client, lawyer, friend, or relative:

- 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:
 - 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;
 - 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;
 - Each written solicitation must include the following:
 - "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;"

- 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;
- Written solicitations mailed to prospective clients shall not be made to resemble legal pleadings or other legal documents;
- 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;
- 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;
- If a lawyer knows that a lawyer other than the lawyer whose name or 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
- 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.

No Solicitation Regardless of Any Exceptions

Missouri adds the following solicitation prohibitions: (1) involves fraud, overreaching, intimidation, or undue influence; (2) 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; (3) personal injury, wrongful death, accident or disaster in the last 30 days 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 (4) vilifies, denounces, or disparages any other potential party.

Montana

Solicitation Defined

Montana does not provide a definition of “solicitation” or “solicit.”

Exceptions to No Solicitation/Not Considered Solicitation

Montana uses “in-person, live telephone, or real-time electronic contact” with respect to communications.

Montana does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Montana’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation.

Montana does not address situations where communications are authorized by law or ordered by a court.

Montana’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.” Montana adds the following sentence: “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).”

No Solicitation Regardless of Any Exceptions

Montana adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions. Additionally, Montana includes prohibitions for physical, emotional, or mental state such that a person cannot exercise reasonable judgment in employing a lawyer and where a lawyer reasonably should know that the person is already represented.

Procedural/Content Requirements

Montana adds a provision on the language contents of advertisements: “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 [the exceptions to solicitation].”

Nebraska

Solicitation Defined

Nebraska does not provide a definition of “solicitation” or “solicit.”

Exceptions to No Solicitation/Not Considered Solicitation

Nebraska uses “in-person, live telephone, or real-time electronic contact” with respect to communications.

Nebraska does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Nebraska’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation.

Nebraska does not address situations where communications are authorized by law or ordered by a court.

Nebraska’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”

No Solicitation Regardless of Any Exceptions

Nebraska adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.

Procedural/Content Requirements

Nebraska adds a provision on the language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client shall include the words “This is an advertisement” on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication, and in the subject line of an email, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2). “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 style="text-align: center;">Nevada</p>	<p><u>Solicitation Defined</u> Nevada defines solicit as including “contact in person, by telephone, telegraph or facsimile, by letter or other writing, or by other communication directed to a specific recipient.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Nevada does not include reference to prior business relationships or close personal relationships with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Nevada’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Nevada does not address situations where communications are authorized by law or ordered by a court. Nevada does not address participation in prepaid or group legal service plans.</p> <p><u>Procedural/Content Requirements</u> Nevada adds the following language requirements for advertisements:</p> <ul style="list-style-type: none"> • 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. • 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 red ink, the following warning: NOTICE: THIS IS AN ADVERTISEMENT! <p><u>No Solicitation Regardless of Any Exceptions</u> Nevada adds a prohibition on solicitation for claims for personal injury or wrongful death within 30 days of incident. Nevada does not provide any other specific no solicitation rules.</p>	
	<p style="text-align: center;">New Hampshire</p>	<p><u>Solicitation Defined</u> New Hampshire does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> New Hampshire use “in-person, live voice, recorded or other means.” New Hampshire’s rule does not reference pecuniary gain. New Hampshire does not include contact with a person who has a prior business relationship with the lawyer or law firm. New Hampshire’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. New Hampshire adds exceptions where the person’s contact 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... 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.” New Hampshire’s final exception above is similar to the model rule’s language on routine use for business purposes. New Hampshire does not address situations where communications are authorized by law or ordered by a court.</p>

New Hampshire addresses participation in a prepaid or group legal service plan, as well as adding language regarding non-profits, class actions, and state bar association referrals:

- The following types of direct contact with prospective clients shall be exempt from [the solicitation prohibition]:
 - 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.
 - Initiation of contact for legal services by a non-profit organization.
 - 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
 - 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.

No Solicitation Regardless of Any Exceptions

New Hampshire uses the following language to refer to solicitation: “communicate or knowingly permit any communication to a prospective client for the purposes of obtaining.” New Hampshire adds a prohibition where physical, mental, or emotional state means there is substantial potential that person cannot exercise reasonable judgment in employing a lawyer.

Procedural/Content Requirements

Montana adds a provision on the language contents of advertisements: “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 word "Advertising" 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 [the exceptions to solicitation].”

New Jersey

Solicitation Defined

New Jersey does not provide a definition of “solicitation” or “solicit.”

Exceptions to No Solicitation/Not Considered Solicitation

New Jersey provides that a lawyer may solicit for the purpose of obtaining professional employment except for as provided in the rule. The exceptions in the model rule are not present in the New Jersey rule.

New Jersey adds that 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 except as permitted by RPC 7.1. However, this does not prohibit a lawyer from being recommended, employed, or paid by or cooperating with one of the offices or organizations listed in New Jersey’s rule 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.

No Solicitation Regardless of Any Exceptions

New Jersey provides that a lawyer shall not contact, or send a written or electronic or other form of communication to, a prospective client for the purpose of obtaining professional employment if: (1) physical, emotional, or mental state such that person could not exercise

reasonable judgment in employing a lawyer; (2) with 30 days after specific mass-disaster event; (3) unsolicited direct contact with a prospective client concerning a specific event not covered by the rule where pecuniary gain is motive unless lawyer follows the content requirements set out in the rule (*see below*).

New Jersey further provides that 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 (including partner, associate, etc.), as a private practitioner, if: "(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."

New Jersey also adds that 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 the rule.

Procedural/Content Requirements

New Jersey adds content requirements for certain forms of solicitation:

- 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 has pecuniary gain as a significant motive except that a lawyer may send a letter by regular mail to a prospective client in such circumstances, provided the letter:
 - Bears the word "ADVERTISEMENT" prominently displayed in capital letters at the top of the first page of text and on the outside envelope, unless the lawyer has a family, close personal, or prior professional relationship with the recipient. The envelope shall contain nothing other than the lawyer's name, firm, return address, and "ADVERTISEMENT" prominently displayed; and
 - Shall contain the party's name in the salutation and begin by advising the recipient that if a lawyer has already been retained the letter is to be disregarded; and
 - 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
 - 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 970, Trenton, New Jersey 08625-0970. The name and address of the attorney responsible for the content of the letter shall be included in the notice.

Referral Compensation Guidelines

New Jersey adds a prohibition on compensation for recommendations or referrals except as provided in the rule:

- 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>New Mexico</p>	<p><u>Solicitation Defined</u> New Mexico does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> New Mexico uses “in-person, live telephone, or real-time electronic contact” with respect to communications. New Mexico does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. New Mexico’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. New Mexico does not address situations where communications are authorized by law or ordered by a court. New Mexico’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> New Mexico adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u> New Mexico adds a provision on the language contents of advertisements: “Notice required. Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone 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 written, recorded or electronic communication, unless the recipient of the communication is a person specified in [the exceptions to solicitation].”</p>	
	<p>New York</p>	<p><u>Solicitation Defined</u> New York defines solicitation as “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.”</p>
		<p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> New York does not address contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. New York only provides an exception where a person is a close friend, relative, former client, or existing client. New York also adds that “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.”</p>
		<p><u>No Solicitation Regardless of Any Exceptions</u> New York prohibits solicitation (1) by in-person or telephone contact, or by real-time or interactive computer-accessed communication; (2) by any form of communication if (i) violates the specified state rules, (ii) age, physical, mental, or emotional state makes recipient unlikely to exercise reasonable judgment in employing a lawyer, (ii) lawyer intends or expects, but does not disclose, that the legal services necessary to handle the</p>

matter competently will be performed primarily by another lawyer who is not affiliated with the soliciting lawyer as a partner, associate, or of counsel.

New York also provides no solicitation for personal injury or wrongful death within 30 days of incident.

Procedural/Content Requirements

New York adds the following content, timing, and mailing requirements:

- A solicitation directed to a recipient in this state shall be subject to the following provisions:
 - 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:
 - A copy of the solicitation;
 - A transcript of the audio portion of any radio or television solicitation; and
 - If the solicitation is in a language other than English, an accurate English-language translation.
 - Such solicitation shall contain no reference to the fact of filing.
 - 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.
 - Solicitations filed pursuant to this subdivision shall be open to public inspection.
 - The provisions of this paragraph shall not apply to:
 - A solicitation directed or disseminated to a close friend, relative, or former or existing client;
 - A website maintained by the lawyer or law firm, unless the website is designed for and directed to or targeted at persons affected by an identifiable actual event or occurrence or by an identifiable prospective defendant; or
 - Professional cards or other announcements the distribution of which is authorized by Rule 7.5(a).
- 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.
- 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.
- 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.
- 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.

<p style="text-align: center;">North Carolina</p>	<p><u>Solicitation Defined</u> North Carolina defines “solicitation” or “solicit” as: “denotes a communication initiated by the lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> North Carolina’s language regarding prepaid or group legal service plans goes into compliance with state code: “Notwithstanding the prohibitions in this Rule, a lawyer may participate with a prepaid legal service plan in compliance with 27 N.C. Admin. Code 1E.0301 et seq. that uses live person-to-person contact to enroll members or sell subscriptions for the plan to persons who are not known to need legal services in a particular matter covered by the plan, provided that, after reasonable investigation, the lawyer must have a good faith belief that the plan is being operated in compliance with 27 N.C. Admin. Code 1E.0301 et seq., and the lawyer’s participation in the plan does not otherwise violate the Rules of Professional Conduct.” North Carolina’s above language does not include a requirement that such organization not be owned or directed by the lawyer.</p>
<p style="text-align: center;">North Dakota</p>	<p><u>Solicitation Defined</u> North Dakota does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> North Dakota’s language regarding communication is “in-person or telephone contact, or other real time contact.” North Dakota adds that the rule applies to solicitation “from anyone known to be in need of legal services in a particular matter.” North Dakota does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. North Dakota’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. North Dakota does not address situations where communications are authorized by law or ordered by a court. North Dakota’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> North Dakota adds “by written, recorded, or electronic communication or by in-person, telephone, or real-time contact.” North Dakota also adds: “the receipt of the solicitation is uninvited and imposes any involuntary economic cost on the prospective client to respond to the solicitation.”</p>
<p style="text-align: center;">Ohio</p>	<p><u>Solicitation Defined</u> Ohio does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Ohio uses “in-person, live telephone, or other real time electronic contact” with respect to communications. Ohio does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Ohio’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Ohio does not address situations where communications are authorized by law or ordered by a court.</p>

Ohio’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”

No Solicitation Regardless of Any Exceptions

Ohio adds clarification regarding communication: “by written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact”. Ohio adds the following prohibition for solicitation: “the lawyer knows or reasonably should know that the person to whom the communication is addressed is a minor or an incompetent or that the person's physical, emotional, or mental state makes it unlikely that the person could exercise reasonable judgment in employing a lawyer.”

Procedural/Content Requirements

Ohio adds detailed disclosure requirements and advertisement procedures:

- Unless the recipient of the communication is a person specified in division (a)(1) or (2) of this rule, every written, recorded, or electronic communication from a lawyer soliciting professional employment from anyone whom the lawyer reasonably believes to be in need of legal services in a particular matter shall comply with all of the following:
 - Disclose accurately and fully the manner in which the lawyer or law firm became aware of the identity and specific legal need of the addressee;
 - Disclaim or refrain from expressing any predetermined evaluation of the merits of the addressee's case;
 - 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."
- Prior to making a communication soliciting professional employment pursuant to division (c) of this rule to a party who has been named as a defendant in a civil action, a lawyer or law firm 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.
- Ohio has limitations on solicitations in personal injury and wrongful death matters. Notwithstanding the prohibitions in division (a) of this rule, 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.

Solicitation Defined

Oklahoma does not provide a definition of “solicitation” or “solicit.”

Oklahoma

Exceptions to No Solicitation/Not Considered Solicitation

Oklahoma uses “in-person, live telephone, or real-time electronic contact” with respect to communications.

Oklahoma does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type

	<p>of legal services offered by the lawyer. Oklahoma’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Oklahoma does not address situations where communications are authorized by law or ordered by a court. Oklahoma’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Oklahoma adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u> Oklahoma adds a provision on the language contents of advertisements: “ Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone known to be in need of legal services in a particular matter shall include the words "Advertising Material" on the outside of the 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 [the exceptions to solicitation].”</p>
<p>Oregon</p>	<p><u>Solicitation Defined</u> Oregon does not provide a definition for solicitation.</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Oregon does not clarify any exceptions to a “no solicitation” rule. Oregon does not address situations where communications are authorized by law or ordered by a court. Oregon does not address participation in prepaid or group legal service plans.</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Oregon adds that a lawyer shall not solicit when “the lawyer knows or reasonably should know that the physical, emotional or mental state of the subject of the solicitation is such that the person could not exercise reasonable judgment in employing a lawyer.”</p>
<p>Pennsylvania</p>	<p><u>Solicitation Defined</u> Pennsylvania defines solicit to include “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><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Pennsylvania does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Pennsylvania’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Pennsylvania does not address situations where communications are authorized by law or ordered by a court. Pennsylvania does not address participation in prepaid or group legal service plans.</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Pennsylvania adds prohibitions on contact or written communication unless physical, emotional, or mental state means person unlikely to exercise reasonable judgment in</p>

	<p>employing a lawyer, and “the communication is a solicitation to a party who has been named as a defendant or respondent in a domestic relations action. In such cases, the lawyer shall wait until proof of service appears on the docket before communication with the named defendant or respondent.”</p>
Rhode Island	<p><u>Solicitation Defined</u> Rhode Island does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Rhode Island uses “in-person, live telephone, or real-time electronic contact” with respect to communications. Rhode Island does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Rhode Island’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Rhode Island does not address situations where communications are authorized by law or ordered by a court. Rhode Island also adds the following exception: “is a business organization, a not-for-profit organization, or governmental body and the lawyer seeks to provide services related to the organization.” Rhode Island’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Rhode Island includes solicitation by written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact. Rhode Island also adds prohibitions relating to (1) communications that are false, fraudulent, misleading, or deceptive; (2) persons the lawyer reasonably knows are of a physical, emotional, or mental state making them unlikely to exhibit reasonable judgment in employing a lawyer; and (3) the lawyer should know the person is already represented.</p> <p><u>Procedural/Content Requirements</u> Rhode Island adds a provision on the language contents of advertisements: “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 [the exceptions to solicitation].” Additionally, Rhode Island adds a requirement that copies of communications referenced above be sent to the Supreme Court Disciplinary Counsel: “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.”</p>
South Carolina	<p><u>Solicitation Defined</u> South Carolina does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u></p>

South Carolina uses “in-person, live telephone, or real-time electronic contact” with respect to communications.

South Carolina does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. South Carolina’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. South Carolina does not address situations where communications are authorized by law or ordered by a court.

South Carolina’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.” South Carolina also includes the following additional language: “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).”

No Solicitation Regardless of Any Exceptions

South Carolina includes solicitation by direct written, recorded, or electronic communication or by in-person, telephone, telegraph, facsimile, or real time electronic contact. South Carolina adds fraud, overreaching, intimidation, or undue influence to its prohibition. Additionally, South Carolina adds: (1) no solicitation for personal injury or wrongful death, accident/disaster within 30 days of incident, (2) specific matter and lawyer knows or should know person is already represented, (3) physical, emotional, or mental state means person unlikely to exercise reasonable judgment in employing a lawyer.

Procedural/Content Requirements

South Carolina adds the following filing, content, and procedural requirements for solicitations:

- Any lawyer who uses written, recorded, or electronic solicitation shall maintain a file for two years showing the following:
 - The basis by which the lawyer knows the person solicited needs legal services; and
 - The factual basis for any statements made in the written, recorded, or electronic communication.
- Every written, recorded, or electronic communication from a lawyer soliciting professional employment from anyone 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:
 - 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 or electronic communication shall clearly state both at the beginning and at the end that the communication is an advertisement. If the solicitation is made by computer, including, but not limited to, electronic mail, the words "ADVERTISING MATERIAL," printed in capital letters and in prominent type, shall appear in any subject line of the message and at the beginning and end of the communication.
 - Each solicitation must include the following statements:

	<ul style="list-style-type: none"> ▪ "You may wish to consult your lawyer or another lawyer instead of me (us). You may obtain information about other lawyers by consulting directories, seeking the advice of others, or 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 ▪ "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." ▪ Where the solicitation is written, the above statements must be in a type no smaller than that used in the body of the communication. <ul style="list-style-type: none"> ○ Each solicitation must include the following statement: "ANY COMPLAINTS ABOUT THIS COMMUNICATION OR THE REPRESENTATIONS OF ANY LAWYER MAY BE DIRECTED TO THE OFFICE OF DISCIPLINARY COUNSEL, 1220 SENATE STREET, SUITE 309, COLUMBIA, SOUTH CAROLINA 29201-- 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. <ul style="list-style-type: none"> • Written communications mailed to the target of the solicitation shall be sent only by regular U.S. mail, not by registered mail or other forms of restricted or certified delivery. • Written communications mailed to the target of the solicitation shall not be made to resemble legal pleadings or other legal documents. • 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. • A written communication seeking employment by the target of the solicitation 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. • If a lawyer reasonably believes that a lawyer other than the lawyer whose name or signature appears on the communication will likely be the lawyer who primarily handles 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>South Dakota</p>	<p><u>Solicitation Defined</u> South Dakota does not provide a definition of "solicitation" or "solicit."</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> South Dakota uses "in-person, live telephone, or real-time electronic contact" with respect to communications. South Dakota does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. South Dakota's rule also does not encompass a lawyer's law firm with respect to the exceptions to no solicitation. South Dakota does not address situations where communications are authorized by law or ordered by a court.</p>

South Dakota’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”

No Solicitation Regardless of Any Exceptions

South Dakota adds communication by “written, recorded, or electronic communication or by in-person, live telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.

Procedural/Temporal/Content Requirements

South Dakota adds language, which provides that all written and recorded communication must be mailed to the Office of the State Bar.

South Dakota adds a provision on the language contents of advertisements: “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 [the exceptions to solicitation]. 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.”

Solicitation Defined

Tennessee does not provide a definition of “solicitation” or “solicit.”

Exceptions to No Solicitation/Not Considered Solicitation

Tennessee uses “in-person, live telephone, or real-time electronic contact” with respect to communications.

Tennessee does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Tennessee’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation.

Additionally, Tennessee adds an exception for a person that “has initiated a contact with the lawyer.”

Tennessee does not address situations where communications are authorized by law or ordered by a court.

Tennessee does not address participation in prepaid or group legal service plans.

No Solicitation Regardless of Any Exceptions

Tennessee includes solicitation by written, recorded, or electronic communication or by in-person, live telephone, or real-time electronic contact. Additionally, Tennessee’s prohibition includes fraud, intimidation, overreaching, or undue influence.

Finally, Tennessee adds the following prohibition: “a significant motive for the solicitation is the lawyer's pecuniary gain and the communication concerns an action for personal injury, divorce or legal separation, worker's compensation, wrongful death, or otherwise relates to an accident, filing of divorce or legal separation, or disaster involving the person to whom the communication is addressed or a member of that person's family, unless the accident, filing of divorce or legal separation, 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.”

Tennessee

Procedural/Content Requirements

Tennessee adds a provision on the language contents of advertisements:

- 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 [the exceptions to solicitation], unless the communication complies with the following requirements:
 - The words "Advertising Material" appear on the outside of the envelope, if any, in which a communication is sent and at the beginning and ending of any written, recorded, or electronic communication.
 - A lawyer shall not state or imply that a communication otherwise permitted by these rules has been approved by the Tennessee Supreme Court or the Board of Professional Responsibility.
 - 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.
 - Written communications shall not be in the form of or include legal pleadings or other formal legal documents.
 - 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.
 - Any communication seeking employment by a specific potential client in a specific matter shall comply with the following additional requirements:
 - The communication shall disclose how the lawyer obtained the information prompting the communication;
 - 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
 - The first sentence of the communication shall state, "IF YOU HAVE ALREADY HIRED OR RETAINED A LAWYER IN THIS MATTER, PLEASE DISREGARD THIS MESSAGE."
 - 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.
- 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 of RPC 7.5, newsletters, brochures, and other similar communications.

Texas

Solicitation Defined

Texas provides the following definitions in its rule:

- "Regulated telephone, social media, or other electronic contact" means telephone, social media, or electronic communication initiated by a lawyer, or by a person acting on behalf of a lawyer, that involves communication in a live or electronically interactive manner.
- A lawyer "solicits" employment by making a "solicitation communication," as that term is defined in Rule 7.01 (b)(2).

Exceptions to No Solicitation/Not Considered Solicitation

Texas specifies that contact means “in-person contact, or through regulated telephone, social media, or other electronic contact” and does not include reference to pecuniary gain or the lawyer’s law firm. Texas’s exceptions generally align with the model rule, but the exact language on Texas’s business purposes exception is as follows: “a person who is known by the lawyer to be an experienced user of the type of legal services involved for business matters.”

Texas provides that its rule does not prohibit communications authorized by law. Texas adds the example of notice to members of a class in class action litigation.

Texas does not address participation in prepaid or group legal service plans.

No Solicitation Regardless of Any Exceptions

Texas adds overreaching, intimidation, or undue influence and does not include harassment to its solicitation prohibition.

Procedural/Content Requirements

Texas adds language regarding the contents of advertisements:

- A lawyer shall not send, deliver, or transmit, or knowingly permit or cause another person to send, deliver, or transmit a solicitation communication to a prospective client, if:
 - The communication is misleadingly designed to resemble a legal pleading or other legal document; or
 - The communication is not plainly marked or clearly designated an "ADVERTISEMENT" unless the target of the communication is:
 - Another lawyer;
 - A person who has a family, close personal, or prior business or professional relationship with the lawyer; or
 - A person who is known by the lawyer to be an experienced user of the type of legal services involved for business matters.

Referral Compensation/Gift Guidelines

Texas adds language related to guidelines on lawyers providing or promising compensation or anything of value to persons for any solicitation or referral:

- A lawyer shall not pay, give, or offer to pay or give anything of value to a person not licensed to practice law for soliciting or referring prospective clients for professional employment, except nominal gifts given as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.
 - This rule does not prohibit a lawyer from paying reasonable fees for advertising and public relations services or the usual charges of a lawyer referral service that meets the requirements of Texas law.
 - A lawyer may refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these rules that provides for the other person to refer clients or customers to the lawyer, if:
 - The reciprocal referral agreement is not exclusive;
 - Clients are informed of the existence and nature of the agreement; and
 - The lawyer exercises independent professional judgment in making referrals.

	<p>Additionally, Texas prohibits paying, advancing, giving anything of value to prospective client in return for employment, other than actual litigation expenses and other financial assistance permitted by Rule 1.08 (d), or ordinary social hospitality of nominal value.</p>
<p>Utah</p>	<p><u>Solicitation Defined</u> Utah does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Utah uses “in-person, live telephone, or real-time electronic contact.” Utah adds the following exception: “is unable to make personal contact with a lawyer and the lawyer's contact with the prospective client has been initiated by a third party on behalf of the prospective client.” Utah does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Utah’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. Utah does not address situations where communications are authorized by law or ordered by a court. Utah’s language regarding participation in prepaid or group legal service plans adds “in-person or other real-time communication” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Utah adds communication by “written, recorded, or electronic communication or by in-person, live telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u> Utah adds a provision on the language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone 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 of any recorded or electronic communication, unless the recipient of the communication is a person specified in [the exceptions to solicitation]. 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 advertising, radio, or webpage.”</p>
<p>Vermont</p>	<p><u>Solicitation Defined</u> Vermont does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Vermont uses “in-person, live telephone, or real-time electronic contact” with respect to communications. Vermont does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Vermont’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation.</p>

	<p>Vermont does not address situations where communications are authorized by law or ordered by a court.</p> <p>Vermont’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”</p> <p><u>No Solicitation Regardless of Any Exceptions</u></p> <p>Vermont adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.</p> <p><u>Procedural/Content Requirements</u></p> <p>Vermont adds a provision on the language contents of advertisements: “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 [the exceptions to solicitation].”</p>
<p>Virginia</p>	<p><u>Solicitation Defined</u></p> <p>Virginia removes reference to “law firm” and changes “the lawyer knows or reasonably should know needs” to “known to be in need of.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u></p> <p>Virginia’s rule does not include any of the solicitation parameters/exceptions that are provided in the model rule. The rule only relies on the no solicitation restrictions and does not clarify any applicable forms of communication.</p> <p>Virginia does not address situations where communications are authorized by law or ordered by a court.</p> <p>Virginia does not address participation in prepaid or group legal service plans.</p> <p><u>No Solicitation Regardless of Any Exceptions</u></p> <p>Virginia adds solicitation involving “undue influence, compulsion, intimidation, threats or unwarranted promises of benefits.”</p> <p><u>Procedural/Content Requirements</u></p> <p>Virginia adds guidelines for the language of advertisements: “Every written, recorded or electronic solicitation from a lawyer shall conspicuously include the words “ADVERTISING MATERIAL” on the outside envelope, if any, and at the beginning and ending of any recorded or electronic solicitation, unless the recipient of the solicitation: (1) is a lawyer; or (2) has a familial, personal, or prior professional relationship with the lawyer; or (3) is one who has had prior contact with the lawyer; or (4) is contacted pursuant to court-ordered notification.”</p> <p><u>Referral Compensation Guidelines</u></p> <p>Virginia adds a prohibition on a lawyer providing or promising compensation or anything of value to persons who are not employed at the same firm for referrals, except that the lawyer may:</p> <ul style="list-style-type: none"> • Pay the reasonable costs of advertisements or communications permitted by this rule and Rule 7.1, including online group advertising;

	<ul style="list-style-type: none"> • Pay the usual charges of a legal service plan or a not-for-profit qualified lawyer referral service; • Pay for a law practice in accordance with Rule 1.17; and • Give nominal gifts of gratitude that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.
Washington	<p><u>Solicitation Defined</u> Washington does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Washington’s rule does not include any of the solicitation parameters/exceptions that are provided in the model rule. The rule only relies on the no solicitation restrictions and does not clarify any applicable forms of communication. Washington does not address situations where communications are authorized by law or ordered by a court. Washington does not address participation in prepaid or group legal service plans.</p> <p><u>No Solicitation Regardless of Any Exceptions</u> Washington adds prohibition on solicitation where solicitation is false or misleading, and where the lawyer knows that the physical, emotional, or mental state of the target makes them unlikely to exercise reasonable judgment.</p> <p><u>Referral Compensation Guidelines</u> Washington adds language related to prohibitions on a lawyer providing or promising compensation or anything of value to persons who are not employed at the same firm for referrals, except that the lawyer may:</p> <ul style="list-style-type: none"> • Pay the reasonable cost of advertisements or communications permitted by RPC 7.1, including online group advertising; • Pay the usual charges of a legal service plan or a not-for-profit lawyer referral service; • Pay for a law practice in accordance with RPC 1.17; • Refer clients to another lawyer or LLLT or other nonlawyer professional pursuant to an agreement not otherwise prohibited under these rules that provides for the other person to refer clients or customers to the lawyer, if: <ul style="list-style-type: none"> ○ The reciprocal referral agreement is not exclusive, and ○ The client is informed of the existence and nature of the agreement; • Give nominal gifts that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer’s services.
West Virginia	<p><u>Solicitation Defined</u> West Virginia does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> West Virginia uses “in-person, live telephone, or real-time electronic contact, directly or indirectly” with respect to communications. Additionally, West Virginia clarifies that the prohibition applies to “a lawyer’s agent, representative or employee.” West Virginia does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. West Virginia’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation. West Virginia does not address situations where communications are authorized by law or ordered by a court.</p>

West Virginia’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”

No Solicitation Regardless of Any Exceptions

West Virginia adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.

Procedural/Content Requirements

West Virginia adds a provision on the language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone known to be in need of legal services in a particular matter shall include the words "Advertising Material" on the outside envelope and at the beginning and ending of any recorded, if any, or electronic communication, unless the recipient of the communication is a person specified in [the exceptions to solicitation].”

Wisconsin

Solicitation Defined

Wisconsin does not provide a definition of “solicitation” or “solicit.”

Exceptions to No Solicitation/Not Considered Solicitation

Wisconsin uses “in-person, or live telephone, or real-time electronic contact” with respect to communications.

Wisconsin does not include contact with a person who has a prior business relationship with the lawyer or law firm; or a person who routinely uses for business purposes the type of legal services offered by the lawyer. Wisconsin’s rule also does not encompass a lawyer’s law firm with respect to the exceptions to no solicitation.

Wisconsin does not address situations where communications are authorized by law or ordered by a court.

Wisconsin’s language regarding participation in prepaid or group legal service plans adds “in-person or telephone contact” and uses “solicit memberships or subscriptions” rather than “enroll members or sell subscriptions.”

No Solicitation Regardless of Any Exceptions

Wisconsin adds communication by “written, recorded, or electronic communication or by in-person, telephone, or real-time electronic contact” in its provision regarding solicitation prohibitions.

Additionally, Wisconsin adds a prohibition where the lawyer knows that the physical, emotional, or mental state of the target makes them unlikely to exercise reasonable judgment in employing a lawyer.

Wisconsin also adds the following language: “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.”

Procedural/Content Requirements

Wisconsin adds a provision on the language contents of advertisements: “Every written, recorded or electronic communication from a lawyer soliciting professional employment from anyone 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 printed, recorded or electronic communication, unless the recipient of the

	communication is a person specified in [the exceptions to solicitation], and a copy of it shall be filed with the office of lawyer regulation within five days of its dissemination.”
Wyoming	<p><u>Solicitation Defined</u> Wyoming does not provide a definition of “solicitation” or “solicit.”</p> <p><u>Exceptions to No Solicitation/Not Considered Solicitation</u> Wyoming does not address a prior business relationships exemption with respect to live person-to-person contact solicitation.</p>