
**E-82-1 Law firm newsletter: Direct mail
advertising**

Question

Would it be proper for a law firm to publish a newsletter which would contain general information on a designated area of the law and which would be sent to clients and acquaintances of the firm's members? The articles would be written by an attorney from the firm and the name of the law firm would appear on the newsletter.

Opinion

It would be proper for a law firm to publish and distribute a newsletter to clients and acquaintances which would provide general information on various topics of the law, provided the publication is used to assist laymen in recognizing the legal problems and does not appear to give a general solution to all similar individual legal problems.

SCR 20.06 encourages attorneys to assist laypersons in recognizing legal problems and to participate in educational and public relations programs concerning the legal system. Publication of a newsletter would be one of the ways attorneys could alert the public to legal problems often unnoticed by laypersons. However, we wish to call your attention to existing limitations contained in said SCR 20.06.

First, SCR 20.06(2)(a) requires that such publication be motivated by a desire to benefit the public rather than to obtain publicity or employment for particular lawyers.

Second, SCR 20.06(2)(d) requires that such publications:

“. . . refrain from giving or appearing to give a general solution applicable to all apparently similar individual problems, since slight changes in fact situations may require a material variance in the applicable advice; otherwise the public may be misled or misadvised.”

Readers also should be cautioned not to attempt to solve individual problems upon the basis of the information contained therein. In any event, the newsletter should not be false, fraudulent or misleading in any respect.

Third, SCR 20.06(2)(d) provides that a lawyer who volunteers advice that one should obtain the services of a lawyer, generally should not himself or herself accept employment except as otherwise therein permitted.

The question also states that the newsletter will contain the name of the law firm of which the author is a member. ABA Informal Opinion 1390 states that information concerning lawyers and their law firms may be published in seminar announcements and relevant written materials as well as advertising by attorneys. ABA Informal Opinion 1464 says that the Code of Professional Responsibility does not prohibit the listing of the name of the law firm. The committee adopts the position of the ABA Committee on Ethics and Professional Responsibility which permits the listing of the attorney/author's law firm in the newsletter. To the extent inconsistent with this opinion, Wisconsin State Bar Memo Opinion 2/77 is withdrawn.