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**E-83-16 Solicitation: Follow-up calls**

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**Question**

Is it proper for an attorney to call prospective clients after he has mailed those clients an advertisement in the form of a letter or brochure?

**Opinion**

The committee views such follow-up calls as improper. Supreme Court Rule 20.08(7) states that a lawyer may advertise the lawyer's availability to provide legal services except that advertising which is false, misleading, deceptive or unfair is professional misconduct. The advertising rule is limited, however, by SCR 20.08(8) which states that Wis. Stat. sec. 757.295 is not superseded by SCR 20.08(7). Wis. Stat. sec. 757.295 prohibits the solicitation of legal business. Moreover, the Wisconsin Supreme Court has stated that attorneys must avoid solicitation and the appearance of solicitation. *State v. Gulbankian*, 54 Wis. 2d 605, 196 N.W.2d 733 (1972), *In re Estate of Devroy*, 109 Wis. 2d 154, 325 N.W.2d 345 (1982).

In light of the above, the subsequent calls proposed would appear to be improper as contrary to Wis. Stat. sec. 757.295 (1981-82) and the recent decisions of the Wisconsin Supreme Court.