

Oregon Ethics Opinions

OSB Formal Ethics Op No 2005-168 (what constitutes a marketing charge of a legal referral service)

OSB Formal Ethics Op No 2005-180 (reasonable costs of advertisements cannot be based on work derived from referral, but can be fixed annual or set periodic fee)

OSB Formal Ethics Op No 2005-112 (distinguishes between advertising as “merely publicizing the availability of the legal services, as opposed to recommending the Law Firm”)

OSB Formal Ethics Op No 2005-100 (attorney who is first contacted by client may then respond with call or in-person visit)

OSB Formal Ethics Op No 2005-70 (attorney who departs firm may initiate personal contact with former firm’s clients)

ABA Commentary

ABA Model Rule 7.2 [Comment 1] “To assist the public in learning about and obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public’s need to know about legal services can be fulfilled in part through advertising.”

ABA Model Rule 7.2 [Comment 5] Lawyers may “pay for advertising and communications permitted by this Rule.” “Moreover, a lawyer may pay others for generating client leads such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with ... [other rules].”

Ethics Opinions from Other Jurisdictions

New York Ethics Op. No. 1132: <http://www.nysba.org/EthicsOpinion1132/>

- A commentator’s reaction to the NY Opinion: <http://abovethelaw.com/2017/08/new-york-state-bar-association-sides-against-consumers-on-access-to-legal-services/>

New Jersey Ethics Opinion:

<https://www.dropbox.com/s/5plgfqgi26zuym1/ACPE%20732%20Avvo%2C%20LegalZoom%2C%20Rocket%20Lawyer%206.21.17.pdf?dl=0>

- An ABA Journal article outlining the NJ Opinion:
http://www.abajournal.com/news/article/avvo_violates_nj_ethics_rules_banning_fee_sharing_lawyer_referral_payments/

Ohio Ethics Op No. 16-3:

https://www.supremecourt.ohio.gov/Boards/BOC/Advisory_Opinions/2016/Op_16-003.pdf

South Carolina Ethics Op. No. 16-06: <https://www.scbar.org/lawyers/legal-resources-info/ethics-advisory-opinions/eao/ethics-advisory-opinion-16-06/>