



The Legal Ethics Project. Supporting professionalism with information.

Q: Dear Ethics Lawyer,

I have contacts with a trade association which has asked me to present two seminars a year and to prepare a monthly summary of significant legal developments for its members. In exchange, the association will endorse and recommend my firm to its members on its website and in member communications. May I enter into such an agreement?

A: This question implicates Model Rule 7.2, which regulates communications about a lawyer's services through any media. The various state enactments of the rules concerning attorney solicitation and advertising (Rules 7.1-7.3) vary substantially, so please examine the rule in effect in your jurisdiction. The current version of Model Rule 7.2 states that a lawyer shall not "compensate, give or promise anything of value to a person for recommending the lawyer's services," with some exceptions not relevant here. Is the commitment to provide seminars and monthly summaries one to give or promise a "thing of value?" The Ethics Lawyer submits that it could well be so construed. See, e.g., Ind. Ethics Op. 2008-4 (2008) (lawyer donating services at charity auction must have no ongoing professional relationship with sponsoring charity so donation is not considered thing of value given in return for recommendation of employment).

It is common for lawyers and law firms to provide seminars and free legal publication-type information to trade groups, including groups of corporate counsel, to raise their profile, demonstrate expertise and network. The better practice is to let the presentations and materials speak for themselves as to the expertise of the lawyer or law firm, without a specific agreement tying them to an exchange for a "recommendation."

The Ethics Lawyer

About Dear Ethics Lawyer

The twice-monthly "Dear Ethics Lawyer" column is part of a training regimen of the Legal Ethics Project, authored by Mark Hinderks, former managing partner and counsel to an AmLaw 125 firm; Fellow, American College of Trial Lawyers; and speaker/author on professional responsibility for more than 25 years. Mark leads Stinson LLP's [Legal Ethics & Professional Responsibility](#) practice, offering advice and "second opinions" to lawyers and law firms, consulting and testifying expert service, training, mediation/arbitration and representation in malpractice litigation. The submission of questions for future columns is welcome: please send to mark.hinderks@stinson.com.

Discussion presented here is based on the ABA Model Rules of Professional Conduct, but the Model Rules are adopted in different and amended versions, and interpreted in different ways in various places. Always check the rules and authorities applicable in your relevant jurisdiction—the result may be completely different.



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