



**ILLINOIS STATE  
BAR ASSOCIATION**

# **ISBA Advisory Opinion on Professional Conduct**

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**This Opinion was AFFIRMED by the Board of Governors in May 2010. Please see the 2010 Illinois Rule of Professional Conduct 7.2 with its Comments [6 and 7]. This opinion was affirmed based on its general consistency with the 2010 Rules, although the specific standards referenced in it may be different from the 2010 Rules. Readers are encouraged to review and consider other applicable Rules and Comments, as well as any applicable case law or disciplinary decisions.**

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**Opinion No. 92-23  
May 12, 1993**

Topic: Lawyer Referral

Digest: Participation in a computerized, for profit lawyer referral system is not permitted by the Illinois Rules of Professional Conduct

Ref.: Illinois Rules of Professional Conduct, Rule 7.2

## **FACTS**

The "talking computer system" provides a referral service to prospective clients using referral by category of service, by name of the attorney or by networking with cross referrals from other professionals. Each marketing area is limited to inclusion of four attorneys in a particular category.

The agency receives a call from a prospective client and will provide information such as telephone numbers, credentials of one attorney and refer the prospective client to that attorney. If the attorney's name is known to the client, the agency will provide information as to that attorney, if he or she is a participant in the referral system, otherwise a participant in the system will be offered as a referral.

## **QUESTION**

May an attorney participate as a member of a for-profit talking computer telephone referral system?

## **OPINION**

The "talking computer system", though not publishing the names of participating attorneys, is nonetheless advertising by the participant attorneys and is clearly a referral program. Thus the concept is subject to the regulation of the Illinois Supreme Court and its Illinois Rules of Professional Conduct. Those rules are designed to provide not only regulation in the practice of law, but also protection of the public in the receipt of legal services.

It is in the best interest of the public to insure that legal referral services will provide information in a responsible and unbiased manner and at a reasonable cost to the public. By accomplishing this, the public will have available to it a broad spectrum of qualified attorneys who are properly licensed, covered with adequate errors and omissions insurance or otherwise to be financially secure and subject to disciplinary procedures.

The proposed "talking computer system", rather than offering a broad exposure to the public of referral attorneys, is limited to four attorneys and those appear to be selected upon the timeliness of their response and willingness to pay for the exclusivity of participation in the private system.

The Illinois Rules of Professional Conduct, in Rule 7.2(b) permits the paying of usual charges only for not-for-profit referral services and thus payment for the participation in the "talking computerized system" would not be permitted under the Illinois Rules.

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