

**ETHICS OPINION NUMBER 94  
OF THE MISSISSIPPI BAR  
RENDERED JUNE 7, 1984  
AMENDED APRIL 6, 2013**

**ADVERTISING** - A lawyer may ethically volunteer in-person advice and render any resulting legal services to close friends, relatives and regular clients.

The Ethics Committee of The Mississippi Bar has been requested to render an opinion on the ethical propriety of an attorney asking close friends, relatives and regular clients if they have drawn a Will.

Rule 7.3 of the Mississippi Rules of Professional Conduct (MRPC) provides that a “lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment from a particular prospective client with whom the lawyer has no family, close personal, or prior professional relationship when a significant motive of the lawyer’s doing so is the lawyer’s pecuniary gain.” The comment to the Rule explains there is a far less likelihood that a lawyer would engage in abusive practices in such in-person, live telephone or electronic contact with someone whom the lawyer has a prior relationship or when the lawyer is motivated by considerations other than his or her own pecuniary gain.

The Committee believes there is no ethical impropriety involved in an attorney accepting employment to render services from this narrow group when such services would result from volunteered in-person advice regarding the need to prepare a Will. This result is consistent with Ethics Opinion No. 39 of The Mississippi Bar, and this opinion is recommended to the requester.

The second question presented to the Committee is whether it is ethically proper for an attorney to have available for distribution in his office brochures which relate to estate planning, wills and probate.

Rule 7.2, MRPC, allows for such advertising as long as the written communication meets the requirements of Rule 7.2, MRPC, and complies with Rule 7.1, MRPC, in that it is not false, misleading, deceptive or unfair about the lawyer or the lawyer’s services.