

1977 Assembly Bill 115

Date published: May 19, 1978

CHAPTER 357, Laws of 1977

AN ACT to amend 256.29 (2) and 256.295 (1) to (3); and to create 256.296 of the statutes, relating to advertising of attorneys' services.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 256.29 (2) of the statutes is amended to read:

256.29 (2) UNPROFESSIONAL CONDUCT. It is ~~hereby declared to be~~ unprofessional conduct and grounds of disbarment for any attorney to violate any of the provisions of the oath prescribed by this section; or to stir up strife and litigation; or to hunt up causes of action and inform thereof, in order to be employed to bring suit, or to breed litigation by seeking out those having claims for personal injuries or other grounds of

action in order to secure them as clients; or to employ agents or runners for like purposes or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases or business to ~~his~~ the attorney's office, or to remunerate ~~policemen~~ police officers, court or prison officials, physicians, hospital attaches or others who may succeed in influencing the criminal, the sick, the injured, the ignorant or others to seek his ~~or her~~ professional services; or to violate the disciplinary rules of the American bar association code of professional responsibility, as adopted by the supreme court. This subsection does not prohibit the advertising of legal services as permitted under s. 256.296.

SECTION 2. 256.295 (1) to (3) of the statutes are amended to read:

256.295 (1) SOLICITING LEGAL BUSINESS. ~~It shall be unlawful for any~~ Except as provided under s. 256.296, no person ~~to~~ may solicit legal matters or a retainer, written or oral, or any agreement authorizing an attorney to perform or render legal services.

(2) SOLICITATION OF A RETAINER FOR AN ATTORNEY. ~~It shall be unlawful for any~~ Except as provided under s. 256.296, no person ~~to~~ may communicate directly or indirectly with any attorney or person acting in ~~his~~ the attorney's behalf for the purpose of aiding, assisting or abetting ~~such~~ the attorney in the solicitation of legal matters or the procurement through solicitation of a retainer, written or oral, or any agreement authorizing the attorney to perform or render legal services.

(3) EMPLOYMENT BY ATTORNEY OF PERSON TO SOLICIT LEGAL MATTERS. ~~It shall be unlawful for an~~ Except as provided under s. 256.296, no attorney ~~to~~ may employ any person for the purpose of soliciting legal matters or the procurement through solicitation of a retainer, written or oral, or of any agreement authorizing the attorney to perform or render legal services.

SECTION 3. 256.296 of the statutes is created to read:

256.296 Advertisement of legal services. (1) Notwithstanding any other law, any attorney may advertise in a manner that is not false and misleading information relating to his or her professional qualifications, fees customarily charged for an initial consultation, the availability of fee estimates for specific services and fees regularly charged for nonvariable services.

(2) In this section:

(a) "Professional qualifications" means: name, including name of law firm and names of professional associates; addresses and telephone numbers; fields of law in which the lawyer or law firm concentrates; a statement that practice is limited to one or more fields of law; date and place of birth; date and place of admission to the bar of state and federal courts; schools attended, with dates of graduation; degrees and other scholastic distinctions; public or quasi-public offices; military service; posts of honor; legal authorships; legal teaching positions, memberships, offices, committee assignments and section memberships in bar associations; memberships and offices in legal fraternities and legal societies; technical and professional licenses; memberships in scientific, technical and professional associations and societies; foreign language ability; names and addresses of references and, with their consent, names of clients regularly represented; whether credit cards or other credit arrangements are accepted; and office and other hours of availability.

(b) "Nonvariable services" means services for which a fee can be objectively determined prior to the time the services are rendered.
