

**THE PROFESSIONAL ETHICS COMMITTEE
FOR THE STATE BAR OF TEXAS
Opinion No. 654**

March 2016

QUESTION PRESENTED

Under the Texas Disciplinary Rules of Professional Conduct, may a lawyer encourage members of the public to visit her law office by offering to provide free information such as warrant checks and bail bond information that may be of interest to the public?

STATEMENT OF FACTS

A Texas lawyer's office is located across the street from the county jail and the sign outside the office identifies it as a law office. The lawyer plans to place another sign outside her office stating: "Free bail bond information" and "Free warrant check." The lawyer plans to have her legal assistant provide free information to office visitors about bail bonds and about warrants, including determining whether a warrant exists, the nature of the warrant, and the amount of outstanding fines associated with the warrant. The lawyer will also instruct her legal assistant to inform visitors that the lawyer practices criminal law and is accepting new clients.

DISCUSSION

Subject to exceptions not relevant to the facts considered in this opinion, Rule 7.03(c) of the Texas Disciplinary Rules of Professional Conduct provides in relevant part:

"A lawyer, in order to solicit professional employment, shall not pay, give, advance, or offer to pay, give, or advance anything of value . . . to a prospective client or any other person[.]"

The lawyer's plans do not violate Rule 7.03(c). Visitors to the lawyer's office are prospective clients. The proposed additional sign makes an offer to provide certain information—namely, bail bond information and a warrant check, at no cost to a prospective client. The Committee concludes that providing such information is not giving something of value in order to solicit professional employment within the meaning of Rule 7.03(c). Attorneys often give information to prospective clients in connection with soliciting professional employment. Doing so is not prohibited under Rule 7.03(c).

Because the lawyer plans to offer free information, the lawyer must, of course, honor that offer. She cannot require payment for the information nor make providing the information contingent upon hiring the lawyer. Otherwise, the lawyer would violate Rule 8.04(a)(3), which prohibits conduct involving dishonesty, fraud, deceit, or misrepresentation. In addition, the lawyer must make reasonable efforts to ensure that her non-lawyer assistant's conduct complies with the lawyer's professional obligations in order to meet the requirements of Rule 5.03 (Responsibilities Regarding Nonlawyer Assistants).

CONCLUSION

A lawyer does not violate the Texas Disciplinary Rules of Professional Conduct by offering and giving free information about bail bonds and warrants to the public who visit the lawyer's office in response to the lawyer's offer to provide such free information. Under the Texas Disciplinary Rules of Professional Conduct, in doing so, the lawyer must honor such offers and take reasonable steps to ensure that any non-lawyer assistant who also offers and provides such information complies with the lawyer's professional obligations.