Richard P. Clem Continuing Legal Education
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Ethics Refesher 2011: Part 2 (Hours 4, 5, and 6)
The Rules of Professional Conduct of
Minnesota, Iowa, and Wisconsin

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This CLE covers the Rules of Professional Conduct as adopted in Minnesota, Iowa, and Wisconsin. In the vast majority of cases, the rules in the three states are identical. Indeed, most states have adopted rules that are substantially similar. Therefore, this course gives a good refresher for attorneys in other states. Of course, especially in other states, lawyers should consult the actual rules as adopted in the particular state, since most states have made at least some modifications to the ABA model rules upon which they are based.

In these materials, a reference to "Rule ___" can generally be interpreted as a reference to the rules in the three states: Wisconsin Court Rules, Chapter 20; Chapter 32 of the Iowa Court Rules; and the Minnesota Rules of Professional Conduct. The rules of all three states are available online, in a volume of the state statutes, and in the state rules of court pamphlet.

In general, topics addressed in these materials are applicable in all three states. However, even when not specifically mentioned here, there might be minor differences in wording between the three states. Also, these materials are mostly paraphrases of the rules. Therefore, the actual rules should be consulted when necessary.

When there is a difference between states, those differences are specifically mentioned. In a few cases, an entire rule will differ in one state. More often, individual states will have differing versions of the same text.

The Rules of Professional Conduct begin with a Preamble which states, in general terms, the obligations of lawyers. It also contains some advice as to how the rules should be construed. Paragraph 9 concedes that in many cases, various requirements of the rules can be seemingly in conflict with one another:

> In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the rules.

In short, there are many situations where a lawyer needs to step back, and perhaps get outside legal advice as to how to proceed.

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Rule 5.1: Responsibilities of partners, managers, and supervisory lawyers

A partner in a law firm, or another lawyer with comparable managerial authority, shall make reasonable efforts to ensure that there are measures reasonably assuring that all lawyers conform to the rules.

A lawyer with direct supervisory authority has a similar duty.

A lawyer is responsible for another lawyer's violation in either of the following two circumstances:

1. The lawyer orders or ratifies the conduct.

2. The lawyer has managerial or supervisory authority and knows of the conduct in time to mitigate it, but fails to do so.

Rule 5.2 Responsibilities of a subordinate lawyer

A lawyer is bound by the rules, even though he or she acted at the direction of another person.

However, it is not a violation if the lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question.

Rule 5.3 Responsibilities regarding nonlawyer assistants

Lawyers with managerial authority, such as partners, shall make reasonable efforts to ensure that non-lawyers employed or retained are compatible with the lawyer's professional obligations.

This duty also applies to persons with direct supervisory authority.

Lawyers are responsible for violations by such persons in the following circumstances:

1. The lawyer orders or ratifies the conduct.

2. The lawyer is a partner or comparable manager, and knew of the conduct in time to mitigate it, but failed to do so.

Rule 5.4 Professional independence of a lawyer

A lawyer shall not share fees with a nonlawyer. There are, however, four exceptions to this rule:

1. Certain payments to a lawyer's estate after his or her death.

2. Purchase of the practice of a deceased, disabled, or disappeared lawyer.

3. Certain retirement or compensation plans for non-lawyer employees

4. Court-awarded legal fees may be shared with certain non-profit organizations.

A lawyer may not form a partnership with a non-lawyer if one of the activities of the partnership is the practice of law.

A lawyer may not have his services directed or regulated by a person who recommends, pays, or employs him or her.

There are restrictions upon the ownership and control of professional corporations or associations.

Rule 5.5: Unauthorized practice of law; multijurisdictional practice of law.

A lawyer shall not practice law in a jurisdiction if it violates the regulation of the legal profession in that jurisdiction. (Wisconsin adds a specific provision that a lawyer may not assist another person in practicing law in a jurisdiction that violates the rules of that jurisdiction.) However, a lawyer admitted in his or her home state does not violate this rule by conduct in another state, if the same conduct would be permitted by an out-of state lawyer by the following rules:

A lawyer admitted in another U.S. jurisdiction (who is not disbarred or suspended in any jursidiction*) may provide any of the following types of services on a temporary basis:

1. Services in association with a lawyer who is admitted in the state, who actively participates in the matter.

2. Services that are reasonably related to a pending or potential proceeding (even if the proceeding is in this state), if the lawyer or the person the lawyer is assisting reasonably expects to be authorized by law or order to appear.

3. Reasonably related to a pending or potential arbitration, mediation, etc., (even if it is in this state), if both of the following conditions are met:

   a. The services must be reasonably related to the lawyer's practice where he is admitted.

   b. The services are not ones where the forum requires pro hac vice admission.

4. Arise out of or are reasonably related to the lawyer's practice where he is admitted. However, this provision applies only to matters that are not within the preceding paragraphs (2: proceedings before a tribunal, or 3: arbitration, mediation, etc.)

A lawyer from another jurisdiction (if not disbarred or suspended anywhere*) may provide legal services in the state if authorized by federal law, or some other law.

Even if one of these exceptions applies, a lawyer not admitted in a state shall not do either of the following:

1. Unless otherwise authorized, establish an office or systematic presence in the state to practice law.

2. Hold out to the public or represent that he is admitted to practice in the state.

Iowa also allows an out-of-state lawyer to provide legal services on behalf of his or her employer or its organizational affiliates, provided that these are not services that require pro hac vice admission.

*- In Wisconsin, the prohibition against disbarred and suspended attorneys applies only if they are suspended or disbarred "for disciplinary reasons or medical incapacity". The comment makes clear that if the lawyer is suspended or disbarred for any reason in his or her primary jurisdiction of practice, then he or she is not eligible.

In Wisconsin, a lawyer from another state who provides legal services in Wisconsin consents to the appointment of the Clerk of the Wisconsin Supreme Court as agent for service of process.

Rule 5.6 Restrictions on right to practice

A lawyer may not participate in any kind of business arrangement that restricts his or her right to practice law after terminating the relationship. There is an exception for agreements concerning retirement benefits.

A lawyer may not participate in an agreement that restricts his or her right to practice as part of the settlement of a client's case.

Minnesota and Iowa Rule 5.7: Responsibilities regarding law-related services.

A "law-related service" is a service that might reasonably be performed with and substantially related to the provision of legal services. However, it is the type of service that can be performed by a nonlawyer and not be prohibited as the unauthorized practice of law.

A lawyer providing such services is subject to the Rules of Professional Conduct in either of the following situations:

1. They are not distinct from the lawyer's provision of legal services to clients

2. If the lawyer fails to take reasonable measures to assure the person obtaining the services knows that they are not legal services, and that the protections of the lawyer-client relationship do not apply.

Wisconsin has not adopted a corresponding rule.

Wisconsin Rule 5.7 Limited liability legal practice.

This Wisconsin rule allows a lawyer to be a member of a law firm that is organized as a limited liability organization under state law, including Chapters 178 and 183, and Subchapter XIX of Chapter 180 of the Wisconsin Statutes. However, the lawyer is still personally liable for any acts, errors, or omissions arising out of professional services.

The lawyer or law firm must file an annual registration with the state bar, and professional liability insurance is required. The policy limits are specified by the rule.

The fact that a lawyer may form a limited liability organization does not diminish the lawyer's or firm's obligations and responsibilities under the Rules of Professional Conduct.

The rule also contains provisions regarding multi-state firms in which there is at least one Wisconsin attorney.

The designation of the limited liability structure must be part of the firm's name. The firm must also provide clients and potential clients with a "plain-English summary" of the features of the limited liability law under which it is organized.

Minnesota Rule 5.8: Employment of disbarred, suspended, or involuntarily inactive lawyers.

A lawyer may not "employ" (which is broadly defined) lawyer who has been disbarred, suspended, etc., to do any of the following on behalf of a client:

1. Render legal consultation or advice

2. Appear on behalf of a client at any hearing or proceeding (unless the agency's rules permit appearance by a non-lawyer, and the client has been informed of the lawyer's status).

3. Appear as a representative of a client at a deposition or other discovery matter.

4. Negotiate on behalf of the client with third parties.

5. Handle client funds in any way

6. Engage in any activity that constitutes the practice of law.

It is permissible to employ a disbarred or suspended lawyer to perform research, drafting, clerical service, etc., including the following:

1. Preparatory work for an active lawyer's review, such as legal research, gathering information, drafting documents, etc.

2. Communicate with clients or third parties regarding matters such as scheduling, billing, updates,

gathering information, or confirmation of receipt or sending of correspondence.

3. Accompany an active lawyer to a deposition or other discovery, but only for the limited purpose of providing clerical assistance.

At the time of employing such a person (or upon learning of the status), the active lawyer must give written notice to the Office of Lawyers Professional Responsibility. The contents of the notice are specified by the rule. The Office must also be notified of the termination of such employment.

Rule 6.1 Voluntary pro bono publico service

"Every lawyer has a professional responsibility to provide legal services to those unable to pay." A lawyer "should aspire" to render at least 50 hours of pro bono service per year. This obligation can be fulfilled in the following ways:

A substantial majority of those fifty hours shall be without fee or expectation of fee to the following:

1. persons of limited means
2. charitable, religious, civic, government, etc., organizations, in matters that are designed primarily to help persons of limited means.

In addition, a lawyer should provide services for no fee or substantially reduced fee, to secure or protect civil rights or civil liberties, public rights. Or, a lawyer shoud provide services to charitable, religious, civic, etc., organizations in furtherance of those organizations' purposes, when standard fees would significantly deplete the organization's resources or would otherwise be inappropriate.

A lawyer should deliver legal services at a substantially reduced fee to persons of limited means.

A lawyer should participate in activities for improving the law, legal system, or legal profession.

In addition, a lawyer should voluntarily contribute financially to organizations that provide legal services to persons of limited means.

Rule 6.2 Accepting appointments

A lawyer shall "not seek to avoid appointment" by a tribunal, except for good cause. Examples of good cause include:

1. Representing the person is likely to result in a rule violation.

2. It would be an unreasonable financial burden.

3. The person's cause is so repugnant that it will likely impair the lawyer's ability to represent the person.

Rule 6.3 Membership in legal services organization

A lawyer may serve as a director, officer, or member of a legal services organization, even though the organization serves persons with interests adverse to one of his or her clients. However, the lawyer should not knowingly participate in any decision or action of the organization in either of the following cases:

1. Doing so would be a conflict of interest under Rule 1.7.

2. The decision could have a material adverse effect on the organization's representation of such a client.

Rule 6.4 Law reform activities affecting client interests

A lawyer is permitted to serve as a director, officer, or member of an organization involved in the reform of the law or its administration. This is true even though the reform may affect the interests of one of his or her clients. But if the lawyer knows that a client's interests may be materially benefited by a decision in which the lawyer participates, the lawyer must disclose this fact. However, the lawyer need not identify the client.

Rule 6.5 Nonprofit and court-annexed limited legal services programs

The following rules apply to a lawyer who participates in a program sponsored by a nonprofit organization or court which provides short-term legal services to clients, where neither the lawyer nor the client expect that the lawyer will provide continuing representation in the matter. (Wisconsin adds language to make clear that this also applies to programs sponsored by bar associations or accredited law schools.)

The lawyer is subject to Rules 1.7 (conflicts of interest) and 1.9(a) (conflicts of interest with former clients), only if the lawyer knows that the representation involves a conflict of interest.

The lawyer is subject to Rule 1.10 (imputed conflict of interest of firm) only if he knows that another lawyer in his or her firm would be disqualified. Otherwise, Rule 1.10 does not apply.

Rule 20:7.1 Communications concerning a lawyer's services

In all three states, a lawyer is prohibited from making false or misleading communication about the himself or herself, or about his or her services.

In all three states, this includes communications that contain a material misrepresentation of fact or law, or if it omits a fact necessary to make the statement not materially misleading.

Both Iowa and Wisconsin add to this definition.

In Iowa, a lawyer shall not communicate with the public with statements that are unverifiable. Also, any permitted advertising shall not rely on emotional appeal , and shall not contain any statement or claim relating to the quality of the lawyer's services.

Wisconsin adds to the definition of "false or misleading" by including the following:

1. The communication should not be likely to create an unjustified expectation about results, nor should it state or imply that the lawyer can use means that violate the Rules or other law.

2. The communication should not compare the lawyer's services with other lawyers, unless the comparison can be factually sustained.

3. The communication must not contain paid testimonials or paid endorsements, unless it identifies the fact that payment has been made. Also, if the testimonial or endorsement is not made by an actual client, it must identify that fact.

Minnesota and Wisconsin Rule 7.2 Advertising

The Minnesota and Wisconsin rules regarding advertising are substantially the same. A lawyer may advertise. Advertising is subject to Rules 7.1 and 7.3. The following rules also apply:

A lawyer may not give anything of value to someone to recommend his services, with the following exceptions:

1. Pay the reasonable cost of permitted advertisements or communications.

2. Pay the usual charges for a legal service plan or a lawyer referral service. (The lawyer referral service must be non-profit or approved by the appropriate regulatory authority.)

3. Pay for a law practice under Rule 1.17.

4. Refer clients to another lawyer or other professional under an agreement that the other person will refer clients to the lawyer. However, such an agreement must be otherwise permitted by the rules, and the following conditions must apply:

a. The reciprocal referral agreement is not exclusive
b. The client is informed of the existence and nature of the agreement.

Wisconsin adds two additional requirements:

c. There is no interference with the lawyer's independence or the client-lawyer relationship.

d. Confidential information regarding the representation of a client is protected as required by Rule 1.6.

In both states, any communications made under this rule must include the name of at least one lawyer or law firm who is responsible for its content.

Iowa Rule 7.2: Advertising.

Iowa's rule is much more specific than the rules in Minnesota and Wisconsin. It begins by specifying certain communications that are **not** advertising. In Iowa, the following are **not** advertising, and are not subject to rules 7.2, 7.3, and 7.4:

1. Communications or solicitations for business between lawyers.

2. Communicatings between a lawyer and an existing or former client, provided the lawyer does not have reason to know that the attorney-client relationship has been terminated.

3. Communications that are in reply to a request for information by a member of the public, if it was not prompted by unauthorized advertising. "Information available through a hyperlink on a lawyer's Web site shall constitute this type of communication."

Note: Even though they might qualify as "non-advertising" under the provisions above, any brochures or pamphlets containing biographical and informational data shall include the required disclosures regarding fees discussed below.

Subject to the rules, a lawyer may advertise services. Any advertisement must contain the name and office of at least one lawyer or law firm repsonsible for the content.

Phone book advertising:

A lawyer may permit his or her inclusion in a telephone directory or city directory. This may include the lawyer's name, address, telephone number, and designation as an attorney. It is subject to the following requirements:

1. Only those items may be listed, in the alphabetical listings in the residential, business, and classified sections.

2. Classified listings must be under the heading "lawyers" or "attorneys". (Qualified lawyers may be listed by field of practice sub-headings.) (There is also a separate classification available to lawyers qualified in the field of taxation law.)

Any other directory advertising (including display or "box" ads) must include the fee disclosures discussed below.

Law firms (as opposed to individual lawyers) are subject to similar rules regarding directory listings and advertisign.

Broadcast Advertisements, etc.

A lawyer is permitted to communicate information via radio, television, or other electronic or telephonic media. However, the information must be "atriculated only by a single nondramatic voice". The voice must not be that of the lawyer, and there must be no other background sound.

In the case of television, no visual display is allowed except in print as articulated by the announcer.

The required disclosures regarding fees must be included.

Preserving Advertising

A lawyer must preserve the following for three years:

1. any advertising in newspapers, classified phone directory, or periodicals.

2. a tape of any radio, television, or other electronic commercial.

3. a copy of all information placed on the World Wide Web

A lawyer must also preserve a record of the dates and names of publications or mediums.

Permitted Contents

The following type of content may be communicated, "provided it is presented in a dignified style":

1. Name, address, phone, internet address, and designations such as "lawyer", "attorney", "J.D.", "law firm", etc.

2. A description of the practice. This can be "general practice", "general practice including but not limited to" one of the specified fields or practice, or a field of practice limitation of practice, or specialization. However, such designations of fields of practice are governed by Rule 7.4.

3. date and place of birth;

4. date and place of admission to the bar of state and federal courts;

5. schools attended, with dates of graduation, degrees, and other scholastic distinctions;

6. public or quasi-public offices;

7. military service;

8. legal authorships;

9. legal teaching positions;

10. memberships, offices, and committee and section assignments in bar associations;

11. memberships and offices in legal fraternities and legal societies;

12. technical and professional licenses;

13. memberships in scientific, technical, and professional associations and societies; and

14. foreign language ability.

Communicating Fee Information

Fee information may be communicated "in a dignified style" subject to the following rules:

The following fee information may be communicated:

1. The fee for an initial consultation

2. The availability of a fee schedule and/or estimate

3. Contingent fee rates. The statement must disclose whether the percentage is computed before or after fees and expenses. It must also explain that an unsuccessful contingent fee litigant could be liable for certain costs.

4. Fixed fees or range of fees for specific services

5. Hourly rates

6. Whether credit cards are accepted.

If fee information is communicated, then certain specific disclosures, contained in the rule, must be made. The disclosures must be in print at least as large as the largest type used to discuss fees.

Unless otherwise specified, a lawyer is bound by any fees stated in a phone directory for the period of time between printings of the directory. In other advertising, the lawyer is bound by the fee for ninety days.

Communication about Instituting Litigation

If the lawyer's communication seeks to advise the institution of litigation, then it must also disclose that filing a claim solely to coerce settlement or harass another could be illegal. It must sttate that this could render the person liable for malicious prosecution or abuse of process.

Referral Organizations, etc.

A lawyer who is part of an authorized referral organization, etc., may allow the organization to use "means of dignified commercial publicity" that does not identify the lawyer by name to describe the availability of legal

services.

Other Permitted Communications

The following types of identification of a lawyer are not prohibited by this rule:

1. Political advertisements, if the lawyer's professional status is germane.

2. In public notices where the lawyer's name and profession are required and are for a purpose other than attracting potential clients.

3. In routine reports of organizations of which the lawyer serves as a director or officer.

4. On legal documents prepared by the lawyer

5. In legal texts and publications, and in dignified advertisements for them.

6. Communications permitted by a legal assistance organization.

The rule also restricts lawyers from compensating press or other media members for professional publicity.

The following Iowa Supreme Court decisions are among those construing these provisions:

In Iowa Supreme Court Attorney Disciplinary Bd. v. Bjorklund, 725 N.W.2d 1 (Iowa 2006), the attorney's license was revoked for various offenses, including violation of the advertising rules.

Regarding First Amendment Issues, see: Iowa Supreme Court Bd. of Professional Ethics and Conduct v. Visser, 629 N.W.2d 376 (Iowa 2001); Iowa Supreme Court Bd. of Professional Ethics and Conduct v. Kirlin, 570 N.W.2d 643 (Iowa 1997); Iowa Supreme Court Bd. of Professional Ethics & Conduct v. Wherry, 569 N.W.2d 822 (Iowa 1997).

Minnesota and Wisconsin Rule 7.3: Direct contact with prospective clients

A lawyer shall not solicit professional employment from prospective client in person or by live telephone contact, if a significant motive is the lawyer's pecuniary gain. There are two exceptions to this rule:

1. The person contacted is a lawyer, or

2. The person contacted is family, has a close personal relationship, or has a prior professional relationship.

In addition, a lawyer shall not solicit professional employment in any manner (written, recorded, electronic, in-person or telephone) if either of the following are true:

1. The prospective client has made known a desire not to be solicited, or

2. The solicitation involves coercion, duress, or harassment.

Wisconsin prohibits such contact in a third situation:

3. The lawyer knows or reasonably should know that the physical, emotional or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer.

Any written, recorded, or electronic communication soliciting professional employment from someone known to be in need of services in a particular matter must conspicuously include the words "Advertising Material" on any outside envelope, and within the communication. There are the same two exceptions as in the first rule:

1. The person contacted is a lawyer, or

2. The person contacted is family, has a close personal relationship, or has a prior professional relationship.

In addition, Wisconsin requires a copy of the communication to be filed within five days with the office of lawyer regulation.

This rule does not prohibit a lawyer from participating in a prepaid or group legal service plan (not owned or directed by the lawyer) that uses in-person or telephone contact to solicit membership, if the persons are not known to need particular legal services.

In Wisconsin, subject to certain exceptions, a lawyer, shall not draft legal documents, such as wills, trust instruments or contracts, which require or imply that the lawyer's services be used in relation to that document.

Iowa Rule 7.3: Direct Contact with Prospective Clients

Iowa's rule is similar, in that it does not allow "in person, live telephone, or real-time electronic contact" to solicit professional employment by a prospective client. Unlike the Minnesota and Wisconsin rule, there is no inquiry into the lawyer's motive. Iowa also does not have exceptions to this rule.

A lawyer may make written solicitations by direct mail or e-mail to persons or groups known to possibly need specific legal services. A lawyer must retain a copy of the solicitation for three years. In addition, the lawyer must simultaneously file a copy with the Iowa Supreme Court Disciplinary Board along with an affidavit. The contents of the affidavit are specified in the rule.

Similar solicitations may be sent to the general public, even though recipients might not have a specific need for that service. In this case also, a copy must be maintained for three years, and a copy must be filed with the Disciplinary Board.

If required, the fee disclosures required by Rule 7.2(h) must be included on these solicitations. In addition, they must include, in 9-point or larger type, "ADVERTISEMENT ONLY."

Minnesota and Wisconsin Rule 7.4: Communication of fields of practice

A lawyer may communicate whether or not he or she practices in a particular field of law.

A lawyer admitted to engage in patent practice before the U.S. Patent and Trademark Office may use the designation "patent attorney" or similar.

A lawyer engaged in admiralty practice may use the designation "admiralty", "proctor in admiralty", or similar.

A lawyer shall not state or imply that he or she is certified as a specialist in a particular field unless both of the following are true:

1. The name of any certifying organization is clearly identified.

2. The second requirement differs in Minnesota and Wisconsin:

In Wisconsin, the lawyer must certified as a specialist by an organization approved by the appropriate state authority or that has been accredited by the ABA.

In Minnesota, if the attorney is not certified as a specialist, or if the certifying organization is not accredited by the Minnesota Board of Legal Certification, then the communication must state that he or she is not certified by any organization accredited by the board. In any advertisement coming under Rule 7.2, this statement must be contained in the same sentence that communicates the certification.

Iowa Rule 7.4 Communication of fields of practice

A lawyer may communicate that he practices in or limits his or her practice to certain fields of law. A lawyer may identify his practice by reference to the list of practice areas contained in the rule.

Lawyers admitted before the U.S. Patent and Trademark Office may use the designation “Patents,” “Patent Attorney,” “Patent Lawyer,” or “Registered Patent Attorney.”

Lawyers engaged in Admiralty practice may use the designation "Admiralty," "Proctor in Admiralty", or similar.

A lawyer shall not state or imply that he or she is certified as a specialist in a particular field unless both of the following are true:

1. The name of any certifying organization is clearly identified.

2. The lawyer is certified as a specialist by an organization that has been approved by the Iowa Supreme Court Attorney Disciplinary Board.

Iowa has additional requirements for lawyers stating that practice in a certain field of law. These requirements specify the portion of the lawyer's practice that must actually be devoted to each area. Prior to making any communication, the lawyer must report compliance with these requirements to the Commission on Continuing Legal Education. (Note: a lawyer using the words "general practice including but not limited to" is not bound by these requirements.)

Minnesota and Wisconsin Rule 7.5 Firm names and letterheads

Firm names, letterheads, and other professional designations must comply with Rule 7.1 (e.g., no false or misleading information). A trade name may be used by a lawyer, but it is subject to the following requirements:

1. It may not imply a connection with a government agency or public or charitable

2. It may not imply a connection with a public or charitable legal services organization

3. It must not violate Rule 7.1

A firm with offices in more than one jurisdiction may use the same name in each jurisdiction. However, the identification of lawyers in an office shall indicate the jurisdictional limitations.

The name of a lawyer holding public office shall not be used during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

Lawyers may state or imply that they practice in a partnership or other organization only when that is a fact.

Iowa Rule 7.5 Professional notices, letterheads, offices and signs

Firm names, letterheads, and other professional designations must comply with Rule 7.1 (e.g., no false or misleading information).

A lawyer may use the following, if they are in dignified form:

1. A professional card identifying the lawyer by name and as a lawyer, with name, address, phone number, law firm, and the information permitted by Rule 7.4 (relating to specialization). A firm's card may also give the names of members and associates. "Such cards may be used for identification."

2. A brief professional announcement card stating changed associations or address, change of firm name, etc. This may be mailed to lawyers, clients, former clients, personal friends, and relatives. It may not state biographical data, with very limited exceptions. It may not state the nature of the practice, except as permitted by Rule 7.4. a "dignified announcement" of change of location, addition of new attorneys, or change of firm name may be published in newspapers for no more than four weeks.

3. A sign near the door of the office and in the building directory identifying the law office. It shall not state the nature of the practice, except as permitted by Rule 7.4.

4. A letterhead with name, identification as lawyer, address, phone number, name of firm, associates, and the information permitted by Rule 7.4. The letterhead may give names of other lawyers in the firm, including names and dates of deceased and retired members. A lawyer may be designated "Of Counsel" if the lawyer has a continuing relationship other than partner or associate. A lawyer or firm may be designated "General Counsel" or similar on the stationery of a client if the lawyer devotes substantial professional time to that client. Finally, the letterhead of a firm may give names and dates of predecessor firms.

A firm with offices in more than one jurisdiction may use the same name in each jurisdiction. However, the identification of lawyers in an office shall indicate the jurisdictional limitations.

The name of a lawyer holding public office shall not be used during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

A lawyer in private practice shall not practice under a trade name, or a name that is misleading as to the identity of the lawyers in the firm. There are, however, two exceptions to this rule:

1. The name of a professional corporation, etc., may contain "P.C.", "P.A.", "P.L.C.", "L.L.P.", etc., if otherwise lawful.

2. A firm may continue to use the names of deceased or retired members of the firm or a predecessor firm.

If a lawyer is engaged both in the practice of law and another profession or business, the lawyer may not so indicate on his or her sign, letterhead, or card. He or she may not be identified as a lawyer in any publication in connection with the lawyer's other business.

Iowa and Wisconsin Rule 7.6 Political contributions to obtain government legal engagements or appointments by judges.

A lawyer or law firm shall not accept a government legal engagement or an appointment by a judge if he or she makes a political contribution or solicits contributions for the purpose of being considered.

Minnesota does not have a corresponding provision.

Iowa Rule 7.7: Recommendation of professional employment.

A lawyer shall not, except as authorized by Rules 7.2 (advertising) and 7.3 (contacting prospective clients) recommend to a nonlawyer that the nonlawyer employ any of the following as a private practitioner, unless the person has sought advice regarding employment of a lawyer:

1. The lawyer him or herself
2. The lawyer's partner
3. An associate of the lawyer

A lawyer shall not give anything of value to anyone for recommending the lawyer's services. There are some exceptions to this rule. A lawyer may do the following:

1. Pay the reasonable cost for advertising that is permitted by Rule 7.2.

2. Pay the usual charges for a referral service operated or sponsored by the bar association

3. Pay for a law practice under Rule 1.17

A lawyer may not request recommendations (except as authorized by Rules 7.2 and 7.3). There are the following exceptions to this rule:

1. Referalls from a referral service operated or sponsored by the bar association.

2. A directory listing by Iowa lawyers in an organization engaged in a particular area of law. See Iowa Court Rule 34.14(1).

3. A lawyer may cooperate with legal service activities and accept recommendations, subject to certain conditions.

4. Certain work in connection with legal aid offices, public defenders, bar association referral services, legal services plans, etc. There are numerous conditions in the rule.

Minnesota and Wisconsin do not have a corresponding rule.

Iowa Rule 7.8: Suggestion of need of legal services.

A lawyer who has given unsolicited advice in-person or by telephone to a layperson shall not accept employment resulting from that advice. There are exceptions to this rule:

1. A close friend, relative, existing client, former client.

2. Advice given from participation in activities designed to educate laypersons about the law, if the activity is conducted by various non-profit organizations.

3. The lawyer is recommended, furnished, or paid by a qualified legal assistance organization.

A lawyer may write or speak publicly on legal topics, and this does nto affect his or her right to accept employment. However, these activities must not emphasize the lawyer's own experience or repulation.

In certain class-action situations, a lawyer may accept (but may not seek) employment by potential claimants that he or she has contacted regarding joining the action.

Minnesota and Wisconsin do not have a corresponding rule.

Rule 8.1 Bar admission and disciplinary matters

The following applies to an applicant for admission to the bar, or to a lawyer in connection with a bar admission application or with a disciplinary matter. Such a person shall not:

1. knowingly make a false statement of material fact, or

2. fail to disclose a fact necessary to correct a misapprehension that the person knows has arisen.

3. Knowingly fail to respond to a lawful demand for information.

However, this rule does not require disclosure of information that is otherwise confidential because of Rule 1.6 (or Iowa Code section 622.10).

Rule 8.2 Judicial and legal officials

A lawyer shall not knowingly or recklessly make a false statement concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or candidate for judicial or legal office.

A lawyer who is a candidate for judicial office shall comply with the code of judicial conduct.

Rule 8.3: Reporting professional misconduct.

A lawyer who knows that another lawyer has violated these Rules shall inform the appropriate authority.

A lawyer who knows that a judge has violated the applicable rules of judicial conduct shall inform the appropriate authority.

This rule does not require disclosure of information that is confidential under Rule 1.6 (or Iowa Code section 622.10). It does not require disclosure of information gained while participating in a lawyers assistance program. (In Iowa, the program must be an "approved" one.)

In Wisconsin, this rule does not require disclosure of information acquired while arbitrating or mediating certain disputes between lawyers.

Rule 8.4: Misconduct

The following are professional misconduct in Minnesota, Iowa, and Wisconsin:

1. Violate the rules of professional conduct, knowingly assist or induce a violation, or do so through another's acts.

2. Commit a criminal act that reflects adversely on honesty, trustworthiness, or fitness as a lawyer.

3. Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

4. State or imply an ability to improperly influence a government agency or official or achieve results that

violate these Rules or other law.

5. Knowingly assist a judicial officer in conduct that violates the rules of judicial conduct or other law

The following are professional misconduct in Wisconsin:

6. Violate any statute, or supreme court order, rule, or decision that regulates the conduct of lawyers

7. Violate the attorney's oath

8. Fail to cooperate in the investigation of a grievance filed with the office regulating lawyers.

The following is professional misconduct in Minnesota and Wisconsin:

9. Harass a person (in connection with the lawyer's professional activities) based on sex, race, age, creed, religion, national origin, disability, sexual preference, or marital status. (Legitimate advocacy regarding these factors is not a violation.)

The following is professional misconduct in Iowa and Minnesota:

10. Engage in conduct that is prejudicial to the administration of justice

11. Engage in sexual harassment or other unlawful discrimination in the practice of law, or knowing permit staff or agents to do so. (Minnesota also has a specific provision prohibiting discrimination, which goes into greater detail.)

The following is professional misconduct in Minnesota:

12. Refuse to honor a final and binding arbitration award after agreeing to arbitrate a fee dispute.

Rule 8.5 Disciplinary authority; choice of law

Disciplinary Authority

A lawyer admitted to the bar in the state is subject to the disciplinary authority of the state regardless of where the conduct occurs.

A lawyer not admitted in the state is subject to the state's disciplinary authority if he or she offers to provide any legal services in the state.

A lawyer may be subject to disciplinary authority in more than one state for the same conduct.

Choice of Law

For conduct before a tribunal, the law of the jurisdiction where the tribunal sits shall apply (unless that court's rules provide otherwise.

For other conduct, if the lawyer is admitted only in one state, then the rules shall be the rules of that state.

If the lawyer is admitted in more than one state, then the rules of the jurisiction where he or she principally practices shall apply. However, if the conduct has its predominant effect in another jurisdiction, then the rules of that jurisdiction will apply.