July 20, 2011

Re: Rule 7.3 Direct Contact With Prospective Clients

(2) "[t]ruthful and nondeceptive letters to potential clients known to face particular legal problems," as elucidated in *Shapero v Kentucky Bar Ass'n, 486 US 466 (1988)*. If the written solicitation concerns an action, or potential claim, that pertains to the person to whom a communication is directed, or a relative of such person, the communication shall not be transmitted less than 30 days after the injury, death, or accident occurred that has given rise to the action or potential claim.

The proposed amendment may enhance the public perception of lawyers, but it does nothing to address the risk of domestic violence committed upon a divorce litigant after filing for divorce, custody, or paternity, which I thought was the impetus for the proposed amendment of this rule in the first place. As any experienced family law practitioner can tell you, the most dangerous time for a plaintiff filing for divorce is when the defendant first learns of the divorce action. In cases in which there is any possible risk of domestic violence, experienced practitioners coordinate the timing of the service of process so that their client is in a safe location. In most situations, the initial anger dissipates within a few days, sometimes to the point where the parties can resume cohabitation during the pendency of the divorce action. These safety precautions are lost when opportunity-seeking lawyers (who in my unscientific observation, are much less qualified than the average practitioner) scour the new court filings and immediately send notices to defendants by mail, starting with "YOUR SPOUSE HAS FILED FOR DIVORCE!!!" followed by "Discover The 7 Dirty Divorce Schemes And Power Games" and "FREE 30 MINUTE CONSULTATION."

Our first concern should be with the safety of the public. I am shocked that so many members of our profession and judiciary don't seem to get it or don't seem to care.

Thank you for this opportunity to comment.

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