

1 Rule 7.1. Communications ~~concerning~~ Concerning a lawyer's ~~Lawyer's~~
2 services ~~Services~~.

3 A lawyer shall not make a false or misleading communication about the lawyer or the
4 lawyer's services. A communication is false or misleading if it

5 ~~(a) Contains~~ contains a material misrepresentation of fact or law, or omits a fact
6 necessary to make the statement considered as a whole not materially misleading;

7 ~~(b) Is likely to create an unjustified expectation about results the lawyer can achieve,~~
8 ~~or states or implies that the lawyer can achieve results by means that violate the Rules~~
9 ~~of Professional Conduct or other law; or~~

10 ~~(c) Compares the lawyer's services with other lawyers' services, unless the~~
11 ~~comparison can be factually substantiated.~~

12 Comment

13 [1] This Rule governs all communications about a lawyer's services, including
14 advertising permitted by Rule 7.2. Whatever means are used to make known a lawyer's
15 services, statements about them ~~should~~ must be truthful. ~~The prohibition in paragraph~~
16 ~~(b) of statements that may create "unjustified expectations" would ordinarily preclude~~
17 ~~advertisements about results obtained on behalf of a client, such as the amount of a~~
18 ~~damage award or the lawyer's record in obtaining favorable verdicts, and~~
19 ~~advertisements containing client endorsements. Such information may create the~~
20 ~~unjustified expectation that similar results can be obtained for others without reference~~
21 ~~to the specific factual and legal circumstances.~~

22 [2] Truthful statements that are misleading are also prohibited by this Rule. A
23 truthful statement is misleading if it omits a fact necessary to make the lawyer's
24 communication considered as a whole not materially misleading. A truthful statement is
25 also misleading if there is a substantial likelihood that it will lead a reasonable person to
26 formulate a specific conclusion about the lawyer or the lawyer's services for which there
27 is no reasonable factual foundation.

28 [3] An advertisement that truthfully reports a lawyer's achievements on behalf of
29 clients or former clients may be misleading if presented so as to lead a reasonable
30 person to form an unjustified expectation that the same results could be obtained for
31 other clients in similar matters without reference to the specific factual and legal

32 circumstances of each client's case. Similarly, an unsubstantiated comparison of the
33 lawyer's services or fees with the services or fees of other lawyers may be misleading if
34 presented with such specificity as would lead a reasonable person to conclude that the
35 comparison can be substantiated. The inclusion of an appropriate disclaimer or
36 qualifying language may preclude a finding that a statement is likely to create unjustified
37 expectations or otherwise mislead a prospective client.

38 [4] See also Rule 8.4(e) for the prohibition against stating or implying an ability to
39 influence improperly a government agency or official or to achieve results by means that
40 violate the Rules of Professional Conduct or other law.

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