

ABA MODEL RULE 7.2

APPENDIX "B"

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Advertising

- (a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media.
- (b) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may
- (1) pay the reasonable costs of advertisements or communications permitted by this Rule;
 - (2) pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service. A qualified lawyer referral service is a lawyer referral service that has been approved by an appropriate regulatory authority;
 - (3) pay for a law practice in accordance with Rule 1.17; and
 - (4) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if
 - (i) the reciprocal referral agreement is not exclusive, and
 - (ii) the client is informed of the existence and nature of the agreement.
- (c) Any communication made pursuant to this rule shall include the name and office address of at least one lawyer or law firm responsible for its content.

http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_7_2_advertising.html

DIFFERENCES IN STATE ADVERTISING RULES

Omits ABA Model Rule 7.2 (District of Columbia, Virginia)

Retaining Copy of Ads and/or Publication/Distribution List (Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Mississippi, Missouri, Nevada, New Mexico, New York, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wyoming)

Alabama Rule 7.3(b)(2)(i): In addition to the requirements of Rule 7.2, written communications to prospective clients for the purpose of obtaining professional employment are subject to the following requirements: a sample copy of each written communication and a sample of the envelope to be used in conjunction with the communication, along with a list of the names and addresses of the recipients, shall be filed with the office of general counsel of the Alabama State Bar before or concurrently with the first dissemination of the communication to the prospective client or clients. A copy of the written communication must be retained by the lawyer for six (6) years.

Arkansas Rule 7.2(b): A copy or recording of an advertisement or communication shall be kept for five years after its last dissemination along with a record of when and where it was used.

California Rule 1-400(F): A member shall retain for two years a true and correct copy or recording of any communication made by written or electronic media. Upon written request, the

member shall make any such copy or recording available to the State Bar, and, if requested, shall provide to the State Bar evidence to support any factual or objective claim contained in the communication.

Colorado Rule 7.3(d): Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client known to be in need of legal services shall: (1) include the words "Advertising Material" on the outside of the envelope, if any, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2); (2) shall not reveal on the envelope or on the outside of a self-mailing brochure or pamphlet the nature of the prospective client's legal problem.

A copy or recording of each such communication and a sample of the envelopes, if any, shall be kept for a period of four years from the date of dissemination of the communication

Connecticut Rule 7.2(b)(1): A copy or recording of an advertisement or communication shall be kept for three years after its last dissemination along with a record of when and where it was used. An electronic advertisement or communication shall be copied once every three months on a computer disk or similar technology and kept for three years after its last dissemination.

Florida Rule 4-7.7(d): A copy or recording of an advertisement or written or recorded communication shall be submitted to The Florida Bar in accordance with the requirements of rule 4-7.7, and the lawyer shall retain a copy or recording for 3 years after the last dissemination along with a record of when and where it was used. If identical written communications are sent to 2 or more prospective clients, the lawyer may comply with this requirement by filing 1 of the identical written communications and retaining for 3 years a single copy together with a list of the names and addresses of persons to whom the written communication was sent.

Georgia Rule 7.2(b): A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.

Hawaii Rule 7.2(b): A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.

Idaho Rule 7.2(b): A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.

Indiana Rule 7.2(c): The lawyer or law firm responsible for the content of any communication subject to this rule shall keep a copy or recording of each such communication for six years after its dissemination.

Indiana Rule 7.3(c): The lawyer shall retain a list containing the names and addresses, including email addresses, of all persons or entities to whom each communication has been mailed or distributed for a period of not less than one (1) year following the last date of mailing or distribution. Communications filed pursuant to this subdivision shall be open to public inspection.

Iowa Rule 32:7.2(f): Whether or not the advertisement contains fee information, a lawyer shall preserve for at least three years a copy of each advertisement placed in a newspaper, in the classified section of the telephone or city directory, or in a periodical, a tape of any radio, television, or other electronic or telephonic media commercial, or recording, and a copy of all information placed on the World Wide Web, and a record of the date or dates and name of the

publication in which the advertisement appeared or the name of the medium through which it was aired.

Iowa Rule 32:7.3(b): A lawyer must retain a copy of written solicitation for at least three years.

Kansas Rule 7.2(b): A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.

Louisiana Rule 7.7(j): A copy or recording of an advertisement or written or recorded communication shall be submitted to the Committee in accordance with the requirements of Rule 7.7, and the lawyer shall retain a copy or recording for five years after its last dissemination along with a record of when and where it was used.

Massachusetts Rule 7.3(c): Except as provided in paragraph (e), a lawyer shall not solicit professional employment for a fee from a prospective client known to be in need of legal services in a particular matter by written communication, including audio or video cassette or other electronic communication, unless the lawyer retains a copy of such communication for two years.

Mississippi Rule 7.2(h): A copy or recording of an advertisement or written or recorded communication shall be submitted to the Office of General Counsel of the Mississippi Bar (hereinafter referred to as "OGCMB") in accordance with the provisions of Rule 7.5. The OGCMB shall retain a copy of such advertisement or communication for three (3) years from the date of submission. The lawyer shall retain a copy or recording for three (3) years after its last dissemination along with a record of when and where it was used.

Missouri Rule 4-7.2(b): A copy or recording of an advertisement or written communication shall be kept for two years after its last dissemination along with a record of when and where it was used. The record shall include the name of at least one lawyer responsible for its content unless the advertisement or written communication itself contains the name of at least one lawyer responsible for its content.

Missouri Rule 4-7.3(b)(2): A lawyer may initiate written solicitations to an existing or former client, lawyer, friend, or relative without complying with the requirements of this Rule 4-7.3(b). Written solicitations to others are subject to the following requirements: (2) the lawyer shall retain a copy of each such written solicitation for two years. If written identical solicitations are sent to two or more prospective clients, the lawyer may comply with this requirement by retaining a single copy together with a list of the names and addresses of persons to whom the written solicitation was sent.

Nevada Rule 7.2(j): A copy or recording of an advertisement or written or recorded communication shall be submitted to the State Bar in accordance with Rule 7.2A and shall be retained by the lawyer or law firm which advertises for 4 years after its last dissemination along with a record of when and where it was used.

New York Rule 7.1(k): All advertisements shall be pre-approved by the lawyer or law firm and a copy shall be retained for a period of not less than three years following its initial dissemination. Any advertisement contained in a computer-accessed communication shall be retained for a period of not less than one year. A copy of the contents of any web site covered by this Rule shall be preserved upon the initial publication of the web site, any major web site redesign, or a meaningful and extensive content change, but in no event less frequently than once every 90 days.

New York Rule 7.3(c)(3), (4) & (5)

(c) A solicitation directed to a recipient in this State, shall be subject to the following provisions:

(3) if a solicitation is directed to a predetermined recipient, a list containing the names and addresses of all recipients shall be retained by the lawyer or law firm for a period of not less than three years following the last date of its dissemination.

(4) solicitations filed pursuant to this subdivision shall be open to public inspection.

(5) the provisions of this paragraph shall not apply to:

(i) a solicitation directed or disseminated to a close friend, relative, or former or existing client;

(ii) a web site maintained by the lawyer or law firm, unless the web site is designed for and directed to or targeted at a prospective client affected by an identifiable actual event or occurrence or by an identifiable prospective defendant; or

(iii) professional cards or other announcements the distribution of which is authorized by Rule 7.5(a).

North Dakota Rule 7.2(b): A copy or recording of an advertisement or communication must be kept for two years after its last dissemination along with a record of when and where it was used. For written correspondence and e-mail, a lawyer shall retain for two years from the date of sending a list of addressees. When a lawyer uses recorded voice communications and transmits a communication by telephone call, the lawyer shall retain for two years from the date of the call a record of any telephone number called.

Pennsylvania Rule 7.2(b): A copy or recording of an advertisement or written communication shall be kept for two years after its last dissemination along with a record of when and where it was used. This record shall include the name of at least one lawyer responsible for its content.

Rhode Island Rule 7.2(b): A copy of each print advertisement (other than yellow page advertisements), a recording of each radio advertisement, and a videotape of each television advertisement shall be sent to the Supreme Court Disciplinary counsel prior to or within 48 hours of the first dissemination of such advertisement and another copy of each print advertisement (including yellow page advertisements), recording of each radio advertisement and videotape of each television advertisement shall be retained by the lawyer for three years after its last dissemination along with a record of when and where it was used.

South Carolina Rule 7.2(b): A lawyer is responsible for the content of any advertisement or solicitation placed or disseminated by the lawyer and has a duty to review the advertisement or solicitation prior to its dissemination to reasonably ensure its compliance with the Rules of Professional Conduct. A copy of every advertisement or communication subject to this Rule, except for those which contain only directory information and are not disseminated through the public media, shall be filed with the Commission on Lawyer Conduct within ten (10) days after the advertisement or communication is first published, broadcast, transmitted, or otherwise disseminated to the public, together with a fee of \$50.00. A copy or recording of every advertisement or communication shall be kept for two (2) years after its last dissemination along with a record of when and where it was disseminated.

South Dakota Rule 7.2(c): Record of Advertising. A copy or recording of an advertisement shall be kept by the advertising lawyer for two years after its last dissemination along with a record of when and where it was used.

Tennessee Rule 7.2(b): A copy or recording of each advertisement shall be retained by the lawyer for two years after its last dissemination along with a record of when and where the advertisement appeared.

Tennessee Rule 7.3(c)(7): A copy of each written, audio, video, or electronically transmitted communication sent to a specific recipient under this Rule shall be retained by the lawyer for two years after its last dissemination along with a record of when, and to whom, it was sent.

Texas Rule 7.04(f): A copy or recording of each advertisement in the public media and relevant approval referred to in paragraph (e), and a record of when and where the advertisement was used, shall be kept by the lawyer or firm for four years after its last dissemination.

Texas Rule 7.05(e): A copy of each written, audio, audio-visual, digital media, recorded telephone message, or other electronic solicitation communication, the relevant approval thereof, and a record of the date of each such communication; the name, address, telephone number, or electronic address to which each such communication was sent; and the means by which each such communication was sent shall be kept by the lawyer or firm for four years after its dissemination.

West Virginia Rule 7.2(b): A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.

Wyoming Rule 7.2(b): A copy or recording of an advertisement or communication shall be kept for four years after its last dissemination along with a record of when and where it was used.

Web site Hyperlinks Exempt from Advertising Rules (Iowa)

Iowa Rule 32:7.2(a)(3): The following communications shall not be considered advertising and accordingly are not subject to rules 32:7.2, 32:7.3, and 32:7.4:

(3) communications by a lawyer that are in reply to a request for information by a member of the public that was not prompted by unauthorized advertising by the lawyer; information available through a hyperlink on a lawyer's Web site shall constitute this type of communication.

Prior Filing or Approval (Connecticut, Florida, Kentucky, Louisiana, Mississippi, Nevada, South Dakota)

Connecticut Rule 7.2: A lawyer shall comply with the mandatory filing requirement of Practice Book Section 2-28A.

Connecticut Practice Book, Sec. 2-28(A). Attorney Advertising; Mandatory Filing.

a) Any attorney who advertises services to the public through any media, electronic or otherwise, or through written or recorded communication pursuant to Rule 7.2 of the Rules of Professional Conduct shall file a copy of each such advertisement or communication with the statewide grievance committee either prior to or concurrently with the attorney's first dissemination of the advertisement or written or recorded communication, except as otherwise provided in subsection (b) herein. The materials shall be filed in a format prescribed by the statewide grievance committee, which may require them to be filed electronically. Any such submission in a foreign language must include an accurate English language translation. The filing shall consist of the following:

- 1) A copy of the advertisement or communication in the form or forms in which it is to be disseminate (e.g., videotapes, DVDs, audiotapes, compact disks, print media, photographs of outdoor advertising);
 - (2) A transcript, if the advertisement or communication is in video or audio format;
 - (3) A list of domain names used by the attorney, which shall be updated quarterly;
 - (4) A sample envelope in which the written communication will be enclosed, if the communication is to be mailed;
 - (5) A statement listing all media in which the advertisement or communication will appear, the anticipated frequency of use of the advertisement or communication in each medium in which it will appear, and the anticipated time period during which the advertisement or communication will be used.
- (b) The filing requirements of subsection (a) do not extend to any of the following materials:
- 1) An advertisement in the public media that contains only the information, in whole or in part, contained in Rule 7.2 (i) of the Rules of Professional Conduct, provided the information is not false or misleading;
 - (2) An advertisement in a telephone directory;
 - (3) A listing or entry in a regularly published counsel law list;
 - (4) An announcement card stating new or changed associations, new offices, or similar changes relating to an attorney or firm, or a tombstone professional card;
 - (5) A communication sent only to:
 - i) Existing or former clients;
 - (ii) Other attorneys or professionals; business organizations including trade groups; not-for-profit organizations; governmental bodies and/or
 - iii) Members of a not-for-profit organization that meets the following conditions: the primary purposes of the organization do not include the rendition of legal services; the recommending, furnishing, paying for or educating persons regarding legal services is incidental and reasonably related to the primary purposes of the organization; the organization does not derive a financial benefit from the rendition of legal services by an attorney; and the person for whom the legal services are rendered, and not the organization, is recognized as the client of the attorney who is recommended, furnished, or paid for by the organization.
 - (6) Communication that is requested by a prospective client.
 - (7) The contents of an attorney's internet website that appears under any of the domain names submitted pursuant to subparagraph (3) of subsection (a).
- (c) If requested by the statewide grievance committee, an attorney shall promptly submit information to substantiate statements or representations made or implied in any advertisement in the public media and/or written or recorded communications.
- (d) The statewide bar counsel shall review advertisements and communications filed pursuant to this section that have been selected for such review on a random basis. If after such review the statewide bar counsel determines that an advertisement or communication does not comply with the Rules of Professional Conduct, the statewide bar counsel shall in writing advise the attorney responsible for the advertisement or communication of the noncompliance and shall attempt to resolve the matter with such attorney. If the matter is not resolved to the satisfaction of the statewide bar counsel, he or she shall forward the advertisement or communication and a statement describing the attempt to resolve the matter to the statewide grievance committee for review. If, after reviewing the advertisement or communication, the statewide grievance committee determines that it violates the Rules of Professional Conduct, it shall forward a copy of its file to the disciplinary counsel and direct the disciplinary counsel to file a presentment against the attorney in the superior court.
- (e) The procedure set forth in subsection (d) shall apply only to advertisements and communications that are reviewed as part of the random review process. If an advertisement or

communication comes to the attention of the statewide bar other than through that process, it shall be handled pursuant to the grievance procedure set forth in Sections 2-29 et seq.

(f) The materials required to be filed by this section shall be retained by the statewide grievance committee for a period of one year from the date of their filing, unless, at the expiration of the one year period, there is pending before the statewide grievance committee, a reviewing committee, or the court a proceeding concerning such materials, in which case the materials that are the subject of the proceeding shall be retained until the expiration of the proceeding or for such other period as may be prescribed by the statewide grievance committee.

(g) Except for records filed in court in connection with a presentment brought pursuant to subsection (d), records maintained by the statewide bar counsel, the statewide grievance committee and/or the disciplinary counsel's office pursuant to this section shall not be public. Nothing in this rule shall prohibit the use or consideration of such records in any subsequent disciplinary or client security fund proceeding and such records shall be available in such proceedings to a judge of the superior court or to the standing committee on recommendations for admission to the bar, to disciplinary counsel, to the statewide bar counsel or assistant bar counsel, or, with the consent of the respondent, to any other person, unless otherwise ordered by the court.

(h) Violation of subsections (a) or (c) shall constitute misconduct.

Connecticut Practice Book, Sec. 2-28B. —Advisory Opinions

(a) An attorney who desires to secure an advance advisory opinion concerning compliance with the Rules of Professional Conduct of a contemplated advertisement or communication may submit to the statewide grievance committee, not less than 30 days prior to the date of first dissemination, the material specified in Section 2-28A (a) accompanied by a fee established by the Chief Court Administrator. It shall not be necessary to submit a videotape or DVD if the videotape or DVD has not then been prepared and the production script submitted reflects in detail and accurately the actions, events, scenes, and background sounds that will be depicted or contained on such videotapes or DVDs, when prepared, as well as the narrative transcript of the verbal and printed portions of such advertisement.

(b) An advisory opinion shall be issued, without a hearing, by the statewide grievance committee or by a reviewing committee assigned by the statewide grievance committee. Such reviewing committee shall consist of at least three members of the statewide grievance committee, at least one-third of whom are not attorneys.

(c) An advisory opinion issued by the statewide grievance committee or a reviewing committee finding noncompliance with the Rules of Professional Conduct is not binding in a disciplinary proceeding, but a finding of compliance is binding in favor of the submitting attorney in a disciplinary proceeding if the representations, statements, materials, facts and written assurances received in connection therewith are not false or misleading. The finding constitutes admissible evidence if offered by a party. If a request for an advisory opinion is made within 60 days of the effective date of this section, the statewide grievance committee or reviewing committee shall issue its advisory opinion within 45 days of the filing of the request. Thereafter, the statewide grievance committee or reviewing committee shall issue its advisory opinion within 30 days of the filing of the request. For purposes of this section, an advisory opinion is issued on the date notice of the opinion is transmitted to the attorney who requested it pursuant to subsection (a) herein.

(d) If requested by the statewide grievance committee or a reviewing committee, the attorney seeking an advisory opinion shall promptly submit information to substantiate statements or representations made or implied in such attorney's advertisement. The time period set forth in subsection (c) herein shall be tolled from the date of the committee's request to the date the requested information is filed with the committee.

(e) If an advisory opinion is not issued by the statewide grievance committee or a reviewing committee within the time prescribed in this section, the advertisement or communication for

which the opinion was sought shall be deemed to be in compliance with the Rules of Professional Conduct.

(f) If, after receiving an advisory opinion finding that an advertisement or communication violates the Rules of Professional Conduct, the attorney disseminates such advertisement or communication, the statewide grievance committee, upon receiving notice of such dissemination, shall forward a copy of its file concerning the matter to the disciplinary counsel and direct the disciplinary counsel to file a presentment against the attorney in the superior court.

(g) Except for advisory opinions, all records maintained by the statewide grievance committee pursuant to this section shall not be public. Advisory opinions issued pursuant to this section shall not be public for a period of 30 days from the date of their issuance. During that 30 day period the advisory opinion shall be available only to the attorney who requested it pursuant to subsection (a), to the statewide grievance committee or its counsel, to reviewing committees, to grievance panels, to disciplinary counsel, to a judge of the superior court, and, with the consent of the attorney who requested the opinion, to any other person. Nothing in this rule shall prohibit the use or consideration of such records in any subsequent disciplinary or client security fund proceeding and such records shall be available in such proceedings to a judge of the superior court or to the standing committee on recommendations for admission to the bar, to disciplinary counsel, to the statewide bar counsel or assistant bar counsel, or, with the consent of the respondent, to any other person, unless otherwise ordered by the court.

Florida Rule 4-7.7(a), (b), (c):

(a) Filing and Advisory Opinion. Subject to the exemptions stated in rule 4-7.8, any lawyer who advertises services through any public media or through written communications sent on an unsolicited basis to prospective clients shall file a copy of each such advertisement with The Florida Bar at its headquarters address in Tallahassee for evaluation of compliance with these rules.

(1) Television and Radio Advertisements. The following shall apply to television and radio advertisements:

(A) Prior Review of Television and Radio Advertisements. All television and radio advertisements required to be filed for review must be filed at least 20 days prior to the lawyer's first dissemination of the advertisement so as to provide a 15-day evaluation period plus 5 days' mailing time.

(B) Voluntary Prior Filing. A lawyer may obtain an advisory opinion concerning the compliance of a contemplated television or radio advertisement prior to production of the advertisement by submitting to The Florida Bar a script, a printed copy of any on-screen text, a description of any visual images to be used in a television advertisement, and the fee specified in this rule. The voluntary prior submission shall not satisfy the filing and evaluation requirements of these rules, but The Florida Bar shall charge no additional fee for evaluation of the completed advertisement for which a complete voluntary prior filing has been made.

(C) Evaluation of Advertisements. The Florida Bar shall evaluate all advertisements filed with it pursuant to this rule for compliance with the applicable rules set forth in this subchapter 4-7. The Florida Bar shall complete its evaluation and shall notify the lawyer whether the advertisement is in compliance with subchapter 4-7 within 15 days of receipt of a complete filing plus 5 days' mailing time. If The Florida Bar does not send any communication to the filer within 15 days of receipt of a complete filing, the advertisement will be deemed approved.

(D) Substantiating Information. Evaluation of television and radio advertisements conducted under this subdivision is limited to determination of compliance with subchapter 4-7 and does not extend to substantiation of factual claims or statements contained in the advertisements. Notice of compliance with subchapter 4-7 does not alter the lawyer's responsibility for the accuracy of factual claims or statements.

(E) Notice of Evaluation; Effect of Use of Advertisement. A lawyer may disseminate a television or radio advertisement upon receipt of notification by The Florida Bar that the advertisement complies with subchapter 4-7. A lawyer who disseminates an advertisement not in compliance with subchapter 4-7, whether the advertisement was filed or not, is subject to discipline and sanctions as provided in these Rules Regulating The Florida Bar.

(F) Reliance on Notice of Compliance. A finding of compliance by The Florida Bar in television and radio advertisements shall be binding on The Florida Bar in a grievance proceeding unless the advertisement contains a misrepresentation that is not apparent from the face of the advertisement.

(2) Other Advertisements. The following shall apply to advertisements other than television and radio:

(A) Filing and Review. All other advertisements required to be filed for review must be filed either prior to or concurrently with the lawyer's first dissemination of the advertisement or written communication.

(B) Voluntary Prior Filing. A lawyer may obtain an advisory opinion concerning the compliance of a contemplated advertisement or written communication that is not required to be filed prior to its first use in advance of disseminating the advertisement or communication by submitting the material and fee specified in subdivision (b) of this rule to The Florida Bar at least 15 days prior to such dissemination. If The Florida Bar finds that the advertisement complies with these rules, the lawyer's voluntary submission shall be deemed to satisfy the filing requirement set forth in this rule.

(C) Evaluation of Advertisements. The Florida Bar shall evaluate all advertisements and written communications filed with it pursuant to this subdivision for compliance with the applicable rules set forth in this subchapter 4-7. The Florida Bar shall complete its evaluation within 15 days of receipt of a complete filing unless The Florida Bar determines that there is reasonable doubt that the advertisement or written communication is in compliance with the rules and that further examination is warranted but cannot be completed within the 15-day period, and so advises the filer within the 15-day period. In the latter event, The Florida Bar shall complete its review as promptly as the circumstances reasonably allow. If The Florida Bar does not send any communication to the filer within 15 days of receipt of a complete filing, the advertisement will be deemed approved. The 15-day evaluation period shall not apply to advertisements that are exempt from the filing requirement as set forth in rule 4-7.8, but The Florida Bar shall complete its review as promptly as the circumstances reasonably allow. A lawyer may not obtain an advisory opinion concerning communications that are not subject to subchapter 4-7 as listed in rule 4-7.1(d) through (f).

(D) Substantiating Information. If requested to do so by The Florida Bar, the filing lawyer shall submit information to substantiate representations made or implied in that lawyer's advertisement or written communication.

(E) Notice of Noncompliance. When The Florida Bar determines that an advertisement or written communication is not in compliance with the applicable rules, The Florida Bar shall advise the lawyer that dissemination or continued dissemination of the advertisement or written communication may result in professional discipline.

(F) Reliance on Notice of Compliance. A finding of compliance by The Florida Bar shall be binding on The Florida Bar in a grievance proceeding, unless the advertisement contains a misrepresentation that is not apparent from the face of the advertisement.

(b) Contents of Filing. A filing with The Florida Bar as required or permitted by subdivision (a) shall consist of:

- (1) a copy of the advertisement or communication in the form or forms in which it is to be disseminated and is readily capable of duplication by The Florida Bar (e.g., videotapes, audiotapes, print media, photographs of outdoor advertising);
- (2) a transcript, if the advertisement or communication is on videotape or audiotape;
- (3) a printed copy of all text used in the advertisement, including both spoken language and on-screen text;
- (4) an accurate English translation, if the advertisement appears in a language other than English;
- (5) a sample envelope in which the written communication will be enclosed, if the communication is to be mailed;
- (6) a statement listing all media in which the advertisement or communication will appear, the anticipated frequency of use of the advertisement or communication in each medium in which it will appear, and the anticipated time period during which the advertisement or communication will be used; and
- (7) a fee paid to The Florida Bar, in an amount of \$150 for submissions timely filed as provided in subdivision (a), or \$250 for submissions not timely filed. This fee shall be used to offset the cost of evaluation and review of advertisements submitted under these rules and the cost of enforcing these rules.

(c) Change of Circumstances; Refiling Requirement. If a change of circumstances occurring subsequent to The Florida Bar's evaluation of an advertisement or written communication raises a substantial possibility that the advertisement or communication has become false or misleading as a result of the change in circumstances, the lawyer shall promptly refile the advertisement or a modified advertisement with The Florida Bar at its headquarters address in Tallahassee along with an explanation of the change in circumstances and an additional fee set by the board of governors but not exceeding \$100.

Florida Rule 4-7.8 Exemptions from the Filing and Review Requirement

The following are exempt from the filing requirements of rule 4-7.7:

- (a) any advertisement in any of the public media, including the yellow pages of telephone directories, that contains neither illustrations nor information other than permissible content of advertisements listed in rule 4-7.2(b).
- (b) a brief announcement in any of the public media that identifies a lawyer or law firm as a contributor to a specified charity or as a sponsor of a public service announcement or a specified charitable, community, or public interest program, activity, or event, provided that the announcement contains no information about the lawyer or law firm other than permissible content of advertisements listed in rule 4-7.2(b) and the fact of the sponsorship or contribution. In determining whether an announcement is a public service announcement for purposes of this rule and the rule setting forth permissible content of advertisements, the following are criteria that may be considered:
 - (1) whether the content of the announcement appears to serve the particular interests of the lawyer or law firm as much as or more than the interests of the public;
 - (2) whether the announcement contains information concerning the lawyer's or law firm's area of practice, legal background, or experience;
 - (3) whether the announcement contains the address or telephone number of the lawyer or law firm;
 - (4) whether the announcement concerns a legal subject;
 - (5) whether the announcement contains legal advice; and
 - (6) whether the lawyer or law firm paid to have the announcement published.
- (c) a listing or entry in a law list or bar publication.
- (d) a communication mailed only to existing clients, former clients, or other lawyers.

- (e) professional announcement cards stating new or changed associations, new offices, and similar changes relating to a lawyer or law firm, and that are mailed only to other lawyers, relatives, close personal friends, and existing or former clients.
- (f) computer-accessed communications as described in subdivision (b) of rule 4-7.6.

Kentucky SCR 3.130 (7.05-7.07)

SCR 3.130 (7.05) Filing of advertisements

- (1)(b) If the advertisement contains only those items listed in SCR 3.130(7.05)(1)(a), the lawyer shall mail or deliver to the Commission, c/o the Director of the Kentucky Bar Association, three (3) copies of the advertisement. If the advertisement is to be published by broadcast media, including radio or television, a fair and accurate representation of the advertisement plus three (3) copies of a typed transcript of the words spoken shall be submitted. Any such advertisement is publication of the advertisement.
- (2) If the advertisement does not qualify under SCR 3.130(7.05)(1) for submission without a fee, the lawyer shall mail or deliver to the Commission, c/o the Director of the Kentucky Bar Association, three (3) copies of the advertisement. If the advertisement is to be published by broadcast media, including radio or television, a fair and accurate representation of the advertisement plus three (3) copies of a typed transcript of the words spoken shall be submitted. A filing fee of \$50.00 for each advertisement filed under this subsection shall accompany each submission. Submission under this subsection shall occur no later than the publication of the advertisement. If an advisory opinion has been sought under SCR 3.130(7.06)(1) no additional fee is required.
- (3) The fair and accurate representation of a broadcast media advertisement required in SCR 3.130(7.05)(1) and (2) shall include three (3) copies of a video cassette (VHS), digital video disc (DVD), or audio cassette plus three (3) copies of a typed transcript of the advertisement.

SCR 3.130 (7.06) Advisory opinions

- (1) For any advertisement submitted as required by SCR 3.130(7.05)(2), a lawyer may request an advisory opinion by the Commission before the advertisement is published. Such request shall be in writing made at least 30 days before the advertisement is published. The request shall be accompanied by an administrative fee of \$50, which is in lieu of the fee required by SCR 3.130(7.05)(2). Within 30 days after such request is received, the Commission shall issue its advisory opinion as to the compliance of the advertisement with the Advertising Rules and Advertising Regulations.
- (2) If a lawyer has received an advisory opinion that an advertisement complies with the Advertising Rules and Advertising Regulations, that lawyer shall not be disciplined for any use of that advertisement, except as otherwise provided in SCR 3.130(7.06)(6).
- (3) If a lawyer has requested an advisory opinion and the Commission finds that the advertisement does not comply with the requirements of the Advertising Rules or the Advertising Regulations, the Commission, or its designee, shall issue an advisory letter setting forth the factual and legal basis for the opinion. The lawyer may submit a corrected advertisement under SCR 3.130(7.05)(2) that conforms to the advice in the advisory letter with no additional fee required.
- (4) If the Commission determines that the Advertising Rules or Advertising Regulations have been violated by a lawyer, it shall determine whether the violation can be dealt with administratively, or can be presumed to be intentional. The Commission may address administrative violations. Intentional violations include but are not limited to: (1) publishing the advertisement after receiving notice that the advertisement is in violation of the Advertising Rules or the Advertising Regulations; (2) a manifest indifference to the Advertising Rules or Advertising Regulations; or (3) a pattern of repeated disregard for these Advertising Rules or Advertising Regulations. Intentional violations may be referred to the Inquiry Commission.

(5) If the Commission has notified the lawyer that the advertisement violated the Advertising Rules or Advertising Regulations, and has further determined that the publication of the advertisement may be contrary to the public interest, the Commission or its designee shall notify the lawyer whose advertisement is under consideration and the Director of the Association. The Director may upon receiving such notification bring an action in compliance with this Rule.

(6) If an advertisement is discovered to be false, misleading or deceptive, or information provided to the Commission in connection with the submission is discovered to be false, misleading or deceptive after the Commission has issued its advisory opinion, it, or its designee, may notify the Advertising lawyer that all prior advisory opinions concerning such advertisement are withdrawn and the advisory opinion shall not constitute a defense to the subsequent use of the advertisement.

SCR 3.130 (7.07) Review of filings

For any advertisement on which an advisory opinion has not been sought, the Commission, or its designee, shall review such filings for compliance with the Advertising Rules and Advertising Regulations. If the Commission, or its designee, determines a violation of the Advertising Rules or Advertising Regulations has occurred, it may notify the advertising attorney that a violation has occurred, or refer the matter to the Inquiry Commission.

Louisiana Rule 7.7 (c) Regular Filing. Subject to the exemptions stated in Rule 7.8, any lawyer who advertises services through any public media or through unsolicited written communications sent in compliance with Rule 7.4 or 7.6(c) shall file a copy of each such advertisement or unsolicited written communication with the Committee for evaluation of compliance with these Rules. The copy shall be filed either prior to or concurrently with the lawyer's first dissemination of the advertisement or unsolicited written communication and shall be accompanied by the information and fee specified in subdivision (d) of this Rule. If the lawyer has opted to submit an advertisement or unsolicited written communication in advance of dissemination, in compliance with subdivision (b) of this Rule, and the advertisement or unsolicited written communication is then found to be in compliance with the Rules, that voluntary advance submission shall be deemed to satisfy the regular filing requirement set forth above.

(d) Contents of Filing. A filing with the Committee as permitted by subdivision (b) or as required by subdivision (c) shall consist of:

(1) a copy of the advertisement or communication in the form or forms in which it is to be disseminated and is readily-capable of duplication by the Committee (e.g., videotapes, audiotapes, print media, photographs of outdoor advertising, etc.);

(2) a typewritten transcript of the advertisement or communication, if any portion of the advertisement or communication is on videotape, audiotape, electronic/digital media or otherwise not embodied in written/printed form;

(3) a printed copy of all text used in the advertisement;

(4) an accurate English translation, if the advertisement appears or is audible in a language other than English;

(5) a sample envelope in which the written communication will be enclosed, if the communication is to be mailed;

(6) a statement listing all media in which the advertisement or communication will appear, the anticipated frequency of use of the advertisement or communication in each medium in which it will appear, and the anticipated time period during which the advertisement or communication will be used; and

(7) fees paid to the Louisiana State Bar Association, in an amount set by the Supreme Court of Louisiana:

(A) for submissions filed prior to or concurrently with the lawyer's first dissemination of the advertisement or unsolicited written communication, as provided in subdivisions (b) and (c); or

(B) for submissions not filed until after the lawyer's first dissemination of the advertisement or unsolicited written communication.

Louisiana Rule 7.8 Exemptions from the Filing and Review Requirement

The following are exempt from the filing and review requirements of Rule 7.7:

(a) any advertisement or unsolicited written communication that contains only content that is permissible under Rule 7.2(b).

(b) a brief announcement in any public media that identifies a lawyer or law firm as a contributor to a specified charity or as a sponsor of a public service announcement or a specified charitable, community, or public interest program, activity, or event, provided that the announcement contains no information about the lawyer or law firm other than permissible content of advertisements listed in Rule 7.2(b) and the fact of the sponsorship or contribution. In determining whether an announcement is a public service announcement for purposes of this Rule and the Rule setting forth permissible content of advertisements, the following are criteria that may be considered:

(1) whether the content of the announcement appears to serve the particular interests of the lawyer or law firm as much as or more than the interests of the public;

(2) whether the announcement contains information concerning the lawyer's or law firm's area(s) of practice, legal background, or experience;

(3) whether the announcement contains the address or telephone number of the lawyer or law firm;

(4) whether the announcement concerns a legal subject;

(5) whether the announcement contains legal advice; and

(6) whether the lawyer or law firm paid to have the announcement published.

(c) A listing or entry in a law list or bar publication.

(d) A communication mailed only to existing clients, former clients, or other lawyers.

(e) Any written communications requested by a prospective client.

(f) Professional announcement cards stating new or changed associations, new offices, and similar changes relating to a lawyer or law firm, and that are mailed only to other lawyers, relatives, close personal friends, and existing or former clients.

(g) Computer-accessed communications as described in subdivision (b) of Rule 7.6.

(h) Gift/Promotional Items. Items, such as coffee mugs, pens, pencils, apparel, and the like, that identify a lawyer or law firm and are used/disseminated by a lawyer or law firm not in violation of these Rules, including but not limited to Rule 7.2(c)(13) and Rule 7.4; and

(i) Office Sign(s) for Bona Fide Office Location(s). A sign, placard, lettering, mural, engraving, carving or other alphanumeric display conveying information about a lawyer, a lawyer's services or a law firm's services that is permanently affixed, hanging, erected or otherwise attached to the physical structure of the building containing a bona fide office location for a lawyer or law firm, or to the property on which that bona fide office location sits.

Mississippi Rule 7.5(a) Mandatory Submission. A copy or recording of any advertisement to be published shall be submitted to the Office of the General Counsel of the Mississippi Bar (OGCMB) as set forth in paragraph(c) below prior to its first dissemination.

(b) Exemptions. The following are exempt from this submission requirement:

(1) Any advertisement that contains no illustrations and no information other than that set forth in Rules 7.2 and 7.4;

(2) Any telephone directory advertisement;

- (3) Notices or announcements that do not solicit clients, but rather state new or changed associations or membership of firms, changed location of offices, the opening of new offices, and similar changes relating to a lawyer or law firm;
- (4) Professional business cards or letterhead;
- (5) On premises office signage;
- (6) Notices and paid listings in law directories addressed primarily to other members of the legal profession;
- (7) Advertisements in professional, trade, academic, resource or specialty publications circulated to specific subscribing audiences rather than the general public at large that announce the availability of a lawyer or law firm to practice a particular type of law in many jurisdictions and that are not for the purpose of soliciting clients to commence or join in specific litigation to be performed in Mississippi;
- (8) Internet Web pages viewed via a Web browser, in a search initiated by a person without solicitation.
- (9) Informative or scholarly writings in professional, trade or academic publications;
- (10) A communication mailed only to existing clients, former clients or other lawyers;
- (11) Any written communications requested by a prospective client;
- (12) Any notices or publications required by law; and
- (13) Such other exemptions as may be authorized by the OGCMB.

(c) Items to be submitted. A submission to the OGCMB pursuant to paragraph (a) shall consist of:

- (1) A copy of the advertisement or communication in the form or forms in which it is to be disseminated (e.g., videotapes, audiotapes, print media, photographs or other accurate replicas of outdoor advertising);
- (2) A transcript, if the advertisement or communication is on videotape or audiotape;
- (3) A statement of when and where the advertisement has been, is, or will be used; and
- (4) A fee of twenty-five dollars (\$25) per submission of advertisement or communication timely filed as provided in paragraph (a), or a fee of one hundred and fifty dollars (\$150) for submissions not timely filed, made payable to The Mississippi Bar. This fee shall be used only for administration and enforcement of these Rules. A "submission of advertisement" is defined as each advertisement unless the same advertisement is to be republished in print or electronic media utilizing the same script. An advertisement does not need to be resubmitted upon each dissemination so long as no changes to form or content are made following the previous submission.

(d) Optional Advisory Opinion. A lawyer may request an advisory opinion concerning the compliance of a contemplated advertisement or communication with these Rules in advance of disseminating the advertisement or communication by submitting the advertisement or communication and fee specified in paragraph (1) below to the OGCMB at least forty-five days prior to such dissemination. The OGCMB shall, upon receipt of such request, evaluate all advertisements and communications submitted to it pursuant to this Rule for compliance with the applicable requirements set forth in this Rule. If an evaluation is requested, the OGCMB shall render its advisory opinion within forty-five days of receipt of a request unless the OGCMB determines that there is reasonable doubt that the advertisement or communication is in compliance with the Rules and that further examination is warranted but such evaluation cannot be completed within the forty-five day time period, and so advise the filing lawyer within the forty-five day time period. In the latter event, the OGCMB shall complete its review as promptly as the circumstances reasonably allow. If the OGCMB does not send any correspondence or notice to the lawyer within forty-five days, the advertisement or communication will be deemed approved.

(1) Items to be submitted to obtain Advisory Opinion. A submission to OGCMB to obtain an advisory opinion pursuant to paragraph (d) shall consist of the same items as

(c)(1)(2)(3) above, and an additional fee of fifty dollars (\$50) per submission of advertisement or communication made payable to The Mississippi Bar. This fee shall be used only for the purposes of evaluation and/or review of advertisements and preparing the Advisory Opinion. A "submission of advertisement" is defined as each advertisement unless the same advertisement is to be republished in print or electronic media utilizing the same script.

(2) **Use of finding.** A finding by the OGCMB of either compliance or noncompliance shall not be binding in disciplinary proceedings, but may be offered as evidence.

(3) **Change of circumstances.** If a change of circumstances occurring subsequent to the OGCMB's evaluation of an advertisement or communication raises a substantial possibility that the advertisement or communication has become false or misleading as a result of the change in circumstances, the lawyer shall promptly resubmit the advertisement or a modified advertisement with the OGCMB along with an explanation of the change in circumstances and a fee of twenty dollars (\$20) per "submission of advertisement or communication."

(e) **Substantiation.** If requested to do so by the OGCMB, the requesting lawyer shall submit information to substantiate representations made or implied in that lawyer's advertisement or communication.

(f) **Non-compliance.** When the OGCMB determines that an advertisement or communication is not in compliance with the applicable Rules, the OGCMB shall advise the lawyer by certified mail that dissemination or continued dissemination of the advertisement or communication may result in professional discipline.

(g) **Policies and procedures.** The Mississippi Bar shall formulate the necessary policies and procedures to implement and enforce the provisions of this Rule and submit same to the Supreme Court for approval pursuant to Rule 3 of the Mississippi Rules of Discipline.

Nevada Rule 7.2B(b) & (c):

(b) **Review of filings; advisory opinions to bar counsel.** The committee may issue advisory opinions on any advertisement filed with the state bar. If the committee finds that an advertisement does not comply with these rules, it may issue an advisory opinion to bar counsel within 30 days of its review. The opinion must include the basis for the Committee's finding of noncompliance and a recommendation that bar counsel issue a notice to the lawyer or law firm requesting a correction or withdrawal of the advertisement. If bar counsel accepts the committee's recommendation and issues the notice, the advertising lawyer or law firm has 30 days to respond to bar counsel's notice. Bar counsel may initiate appropriate disciplinary action if the lawyer or law firm fails to file a timely response.

(c) **Pre-dissemination review.** A lawyer or law firm may file a written request with the state bar seeking an advance opinion on whether a proposed advertisement complies with these Rules. The request shall be made in the form and manner designated by the state bar. Upon receipt of such request, the state bar shall submit it to the appropriate Standing Lawyer Advertising Advisory Committee for its review.

(1) **Advance Opinion.** Within 30 days of submission, the committee shall issue an advance opinion to the lawyer or law firm submitting the request for pre-dissemination review. The opinion shall include a finding of whether the proposed advertisement is in compliance with these Rules. If the Committee finds that the advertisement is not in compliance, then the opinion shall also include the basis for the finding and instructions on how the proposed advertisement can be corrected. Such an adverse opinion must also notify the lawyer or law firm of an opportunity for a hearing on the committee's finding of noncompliance and the procedure for requesting such a hearing.

(2) **Appeal.** An adverse advance opinion of one committee may be appealed by the requestor in writing to the other committee, which decision shall be controlling.

South Dakota Rule 7.3(c): A copy of every written or recorded communication from a lawyer soliciting professional employment from a prospective client shall be deposited no less than thirty days prior to its dissemination or publication with the Secretary-Treasurer of the South Dakota State Bar by mailing the same to the Office of the State Bar of South Dakota in Pierre, postage prepaid, return receipt requested.

Filing Copy with State Disciplinary Board or State Bar (Alabama, Arizona, California, Florida, Hawaii, Indiana, Iowa, Nevada, New York, Rhode Island, South Carolina, Texas, Wisconsin)

Alabama Rule 7.2(b): A lawyer who advertises concerning legal services shall comply with the following: A true copy or recording of any such advertisement shall be delivered or mailed to the office of the general counsel of the Alabama State Bar at its then current headquarters within three (3) days after the date on which any such advertisement is first disseminated; the contemplated duration thereof and the identity of the publisher or broadcaster of such advertisement, either within the advertisement or by separate communication accompanying said advertisement, shall be stated. Also, a copy or recording of any such advertisement shall be kept by the lawyer responsible for its content, as provided hereinafter by Rule 7.2(d), for six (6) years after its last dissemination.

Arizona Rule 7.3(c)(1): at the time of dissemination of such written communication, a written copy shall be forwarded to the Clerk of the Arizona Supreme Court and the State Bar of Arizona at its Phoenix office.

California Rule 1-400(F): Upon written request, the member shall make any such copy or recording available to the State Bar, and, if requested, shall provide to the State Bar evidence to support any factual or objective claim contained in the communication.

Florida Rule 4-7.7(d): A copy or recording of an advertisement or written or recorded communication shall be submitted to The Florida Bar in accordance with the requirements of rule 4-7.7, and the lawyer shall retain a copy or recording for 3 years after its last dissemination along with a record of when and where it was used. If identical written communications are sent to 2 or more prospective clients, the lawyer may comply with this requirement by filing 1 of the identical written communications and retaining for 3 years a single copy together with a list of the names and addresses of persons to whom the written communication was sent.

Hawaii Rule 7.3(c)(2): A sample copy of any written or recorded communication directed by a lawyer to one or more prospective clients for purposes of seeking or recommending employment shall be simultaneously forwarded by the lawyer to the Office of Disciplinary Counsel.

Indiana Rule 7.3(c): A copy of each such communication shall be filed with the Indiana Supreme Court Disciplinary Commission at or prior to its dissemination to the prospective client. A filing fee in the amount of fifty dollars (\$50.00) payable to the "Supreme Court Disciplinary Commission Fund" shall accompany each such filing. In the event a written, recorded or electronic communication is distributed to multiple prospective clients, a single copy of the mailing less information specific to the intended recipients, such as name, address (including email address) and date of mailing, may be filed with the Commission. Each time any such communication is changed or altered, a copy of the new or modified communication shall be filed with the Disciplinary Commission at or prior to the time of its mailing or distribution.

Iowa Rule 32:7.3(b): Simultaneously with the mailing of the solicitation, the lawyer must file a copy of it with the Iowa Supreme Court Attorney Disciplinary Board along with a signed affidavit in which the lawyer attests to: (1) the truthfulness of all facts contained in the communication; (2) how the identity and specific legal need of the intended recipients were discovered; and (3) how the identity and specific need of the intended recipients were verified by the soliciting lawyer.

Nevada Rule 7.2A. Advertising Filing Requirements

(a) **Filing Requirement.** A copy or recording of an advertisement or written or recorded communication published after September 1, 2007, shall be submitted to the state bar in both hard copy and electronic format within 15 days of first dissemination along with a form supplied by the state bar. If a published item that was first disseminated prior to September 1, 2007, will continue to be published after this date, then it must be submitted to the state bar on or before September 17, 2007, along with a form supplied by the state bar. The form shall include a provision for members to request a waiver of the electronic filing requirement for good cause.

(b) **Failure to file.** A lawyer or law firm's failure to file an advertisement in accordance with paragraph (a) is grounds for disciplinary action. In addition, for purposes of disciplinary review pursuant to Supreme Court Rule 106 (privilege and limitation), when a lawyer or law firm fails to file, the 4-year limitation period begins on the date the advertisement was actually known to bar counsel.

New York Rule 7.3(c)(1), (2), (4) & (5): A solicitation directed to a recipient in this State, shall be subject to the following provisions:

(1) a copy of the solicitation shall at the time of its dissemination be filed with the attorney disciplinary committee of the judicial district or judicial department wherein the lawyer or law firm maintains its principle office. Where no such office is maintained, the filing shall be made in the judicial department where the solicitation is targeted. A filing shall consist of:

- (i) a copy of the solicitation;
- (ii) a transcript of the audio portion of any radio or television solicitation; and
- (iii) if the solicitation is in a language other than English, an accurate English language

translation

(2) such solicitation shall contain no reference to the fact of filing.

(4) solicitations filed pursuant to this subdivision shall be open to public inspection.

(5) the provisions of this paragraph shall not apply to:

- (i) a solicitation directed or disseminated to a close friend, relative, or former or existing client;
- (ii) a web site maintained by the lawyer or law firm, unless the web site is designed for and directed to or targeted at a prospective client affected by an identifiable actual event or occurrence or by an identifiable prospective defendant; or
- (iii) professional cards or other announcements the distribution of which is authorized by Rule 7.5(a).

Rhode Island Rule 7.2(b): A copy of each print advertisement (other than yellow page advertisements), a recording of each radio advertisement, and a videotape of each television advertisement shall be sent to the Supreme Court Disciplinary counsel prior to or within 48 hours of the first dissemination of such advertisement and another copy of each print advertisement (including yellow page advertisements), recording of each radio advertisement and videotape of each television advertisement shall be retained by the lawyer for three years after its last dissemination along with a record of when and where it was used.

Rhode Island Rule 7.3(d): A copy of each [written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client known to be in need of

legal services in a particular matter] shall be sent to the Supreme Court Disciplinary Counsel and another copy shall be retained by the lawyer for three (3) years. If communications identical in content are sent to two (2) or more prospective clients, the lawyer may comply with this requirement by sending a single copy together with a list of the names and addresses of persons to whom the communication was sent to the Supreme Court Disciplinary Counsel as well as retaining the same information.

South Carolina Rule 7.2(b): A lawyer is responsible for the content of any advertisement or solicitation placed or disseminated by the lawyer and has a duty to review the advertisement or solicitation prior to its dissemination to reasonably ensure its compliance with the Rules of Professional Conduct. A copy of every advertisement or communication subject to this Rule, except for those which contain only directory information and are not disseminated through the public media, shall be filed with the Commission on Lawyer Conduct within ten (10) days after the advertisement or communication is first published, broadcast, transmitted, or otherwise disseminated to the public, together with a fee of \$50.00. A copy or recording of every advertisement or communication shall be kept for two (2) years after its last dissemination along with a record of when and where it was disseminated.

Texas Rule 7.07(a): Except as provided in paragraphs (c) and (e) of this Rule, a lawyer shall file with the Advertising Review Committee of the State Bar of Texas, no later than the mailing or sending by any means, including electronic, of a written, audio, audio-visual, digital or other electronic solicitation communication:

- (1) a copy of the written, audio, audio-visual, digital, or other electronic solicitation communication being sent or to be sent to one or more prospective clients for the purpose of obtaining professional employment, together with a representative sample of the envelopes or other packaging in which the communications are enclosed;
- (2) a completed lawyer advertising and solicitation communication application; and
- (3) a check or money order payable to the State Bar of Texas for the fee set by the Board of Directors. Such fee shall be for the sole purpose of defraying the expense of enforcing the rules related to such solicitations.

Wisconsin Rule 20:7.3(c): Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client shall include the words "Advertising Material" on the outside of the envelope, if any, and at the beginning and ending of the printed, recorded or electronic communication, unless the recipient of the communication is a person specified in pars. (a)(1) or (a)(2), and a copy of it shall be filed with the office of lawyer regulation within five days of its dissemination.

Restrictions on Advertising Area of Practice (Florida, Louisiana)

Florida Rule 4-7.2(c)(4): A lawyer or law firm shall not advertise for legal employment in an area of practice in which the advertising lawyer or law firm does not currently practice law.

Louisiana Rule 7.2(c)(3): A lawyer or law firm shall not state or imply in advertisements or unsolicited written communications that the lawyer or law firm currently practices in an area of practice when that is not the case.

Prohibits Statement, Reference, or Implication That Communication is Approved by State Supreme Court, State Bar, or Board of Professional Responsibility (Alabama, Florida, Louisiana, Tennessee)

Alabama Rule 7.3(b)(2)(iii): In addition to the requirements of Rule 7.2, written communications to prospective clients for the purpose of obtaining professional employment are subject to the following requirements: (iii) no reference shall be made either on the envelope or in the written communication that the communication is approved by the Alabama State Bar.

Florida Rule 4-7.2(c)(5): A lawyer or law firm shall not make any statement that directly or impliedly indicates that the communication has received any kind of approval from The Florida Bar.

Louisiana Rule 7.2(c)(4): A lawyer or law firm shall not make any statement that directly or impliedly indicates that the communication has received any kind of approval from the Louisiana State Bar Association.

Tennessee Rule 7.3(c)(2): A lawyer shall not state or imply that a communication otherwise permitted by these rules has been approved by the Tennessee Supreme Court or the Board of Professional Responsibility.

Must Disclose Location of Practice (Florida, Louisiana, Mississippi, Pennsylvania, South Carolina, South Dakota, Texas)

Florida Rule 4-7.2(a)(2): All advertisements and written communications provided for under these rules shall disclose, by city or town, 1 or more bona fide office locations of the lawyer or lawyers who will actually perform the services advertised. If the office location is outside a city or town, the county in which the office is located must be disclosed. A lawyer referral service shall disclose the geographic area in which the lawyer practices when a referral is made. For the purposes of this rule, a bona fide office is defined as a physical location maintained by the lawyer or law firm where the lawyer or law firm reasonably expects to furnish legal services in a substantial way on a regular and continuing basis.

Louisiana Rule 7.2(a)(2): All advertisements and written communications provided for under these Rules shall disclose, by city or town, one or more bona fide office location(s) of the lawyer or lawyers who will actually perform the services advertised. If the office location is outside a city or town, the parish where the office is located must be disclosed. For the purposes of this Rule, a bona fide office is defined as a physical location maintained by the lawyer or law firm where the lawyer or law firm reasonably expects to furnish legal services in a substantial way on a regular and continuing basis, and which physical location shall have at least one lawyer who is regularly and routinely present in that physical location. In the absence of a bona fide office, the lawyer shall disclose the city or town of the primary registration statement address as it appears on the lawyer's annual registration statement. If an advertisement or unsolicited written communication lists a telephone number in connection with a specified geographic area other than an area continuing a bona fide office or the lawyer's primary registration statement address, appropriate qualifying language must appear in the advertisement.

Mississippi Rule 7.2(c): All advertisements and written communications provided for under these rules shall disclose the geographic location by city and state of one or more offices of the lawyer or lawyers whose services are advertised or shall state that additional information about

the lawyer or firm can be obtained by contacting the Mississippi Bar at a number designated by the Bar and included in the advertisement.

Pennsylvania Rule 7.2(h)(2)(i): All advertisements and written communications shall disclose the geographic location, by city or town, of the office in which the lawyer or lawyers who will actually perform the services advertised principally practice law. If the office location is outside the city or town, the county in which the office is located must be disclosed.

South Carolina Rule 7.2(i): All advertisements shall disclose the geographic location, by city or town, of the office in which the lawyer or lawyers who will actually perform the services advertised principally practice law. If the office location is outside a city or town, the county in which the office is located must be disclosed. A lawyer referral service shall disclose the geographic area in which the lawyer practices when a referral is made.

South Dakota Rule 7.1(c)(11): A communication is false or misleading if it fails to contain the name and address by city or town of the lawyer whose services are described in the communication.

Texas Rule 7.04(j): A lawyer or firm who advertises in the public media must disclose the geographic location, by city or town, of the lawyer's or firm's principal office. A lawyer or firm shall not advertise the existence of any office other than the principal office unless:

- (1) that other office is staffed by a lawyer at least three days a week; or
- (2) the advertisement states:
 - (i) the days and times during which a lawyer will be present at that office, or
 - (ii) that meetings with lawyers will be by appointment only.

All Ads Must be Approved by Lawyer or Firm (New York, Texas)

New York Rule 7.1(k): All advertisements shall be pre-approved by the lawyer or law firm . . .

Texas Rule 7.04(e): All advertisements in the public media for a lawyer or firm must be reviewed and approved in writing by the lawyer or a lawyer in the firm.

Texas Rule 7.05(d): All written, audio, audio-visual, digital media, recorded telephone message, or other electronic communications made to a prospective client for the purpose of obtaining professional employment of a lawyer or law firm must be reviewed and either signed by or approved in writing by the lawyer or a lawyer in the firm.

General Disclaimers as to Quality of Legal Services (Alabama, Nevada, Pennsylvania)

Alabama Rule 7.2(e): No communication concerning a lawyer's services shall be published or broadcast, unless it contains the following language, which shall be clearly legible or audible, as the case may be: "No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers."

Nevada Rule 7.2(g): A lawyer may make statements describing or characterizing the quality of the lawyer's services in advertisements and written communications. However, such statements are subject to proof of verification, to be provided at the request of the state bar or a client or prospective client.

Pennsylvania Rule 7.2(f): A lawyer shall not make statements in advertisements or written communications which are merely self laudatory or which describe or characterize the quality of the lawyer's services; provided that this provision shall not apply to information furnished to a prospective client at that person's request or to information supplied to existing clients.

Period During Which Lawyer Must Honor Fee Advertised (Alabama, Arizona, California, Connecticut, Florida, Iowa, Louisiana, Mississippi, Nevada, New York, Pennsylvania, South Dakota, Texas)

Alabama Rule 7.2(f): If fees are stated in the advertisement, the lawyer or law firm advertising must perform the advertised services at the advertised fee, and the failure of the lawyer and/or law firm advertising to perform an advertised service at the advertised fee shall be prima facie evidence of misleading advertising and deceptive practices. The lawyer or law firm advertising shall be bound to perform the advertised services for the advertised fee and expenses for a period of not less than sixty (60) days following the date of the last publication or broadcast.

Arizona Rule 7.2(d)(4): Every advertisement (including advertisement by written solicitation) that contains information about the lawyer's fees shall be subject to the following requirements:

(4) a lawyer who advertises a specific fee, range of fees or hourly rate for a particular service shall honor the advertised fee, or range of fees, for at least ninety (90) days unless the advertisement specifies a shorter period; provided, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.

California Rule 7.2(Standards)(16): An unsolicited "communication" transmitted to the general public or any substantial portion thereof primarily directed to seeking professional employment primarily for pecuniary gain which sets forth a specific fee or range of fees for a particular service where, in fact, the member charges a greater fee than advertised in such communication within a period of 90 days following dissemination of such communication, unless such communication expressly specifies a shorter period of time regarding the advertised fee. Where the communication is published in the classified or "yellow pages" section of telephone, business or legal directories or in other media not published more frequently than once a year, the member shall conform to the advertised fee for a period of one year from initial publication, unless such communication expressly specifies a shorter period of time regarding the advertised fee.

Connecticut Rule 7.2(g): A lawyer who advertises a specific range of fees for a particular service shall honor the advertised fee or range of fees for at least 90 days unless the advertisements specifies a shorter period; provided that, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.

Florida Rule 4-7.2(c)(8): A lawyer who advertises a specific fee or range of fees for a particular service shall honor the advertised fee or range of fees for a particular service shall honor the advertised fee or range of fees for at least 90 days unless the advertisement specifies a shorter period; provided that, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than 1 year following publication.

Iowa Rule 32:7.2(h)(4): Unless otherwise specified in the public communication concerning fees, the lawyer shall be bound, in the case of fee advertising in the classified section of the telephone or city directory, for a period of at least the time between printings of the directory in which the fee advertisement appears and in the case of all other fee advertising for a period of at least ninety days thereafter, to render the stated legal service for the fee stated in the communication unless the client's matters do not fall within the described services. In that event or if a range of fees is stated, the lawyer shall render the service for the estimated fee given the client in advance of rendering the service.

Louisiana Rule 7.2(c)(7): A lawyer who advertises a specific fee or range of fees for a particular service shall honor the advertised fee or range of fees for at least ninety days from the date last advertised unless the advertisement specifies a shorter period; provided that, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.

Mississippi Rule 7.2(b): A lawyer who advertises a specific fee or range of fees for a particular service shall honor the advertised fee or range of fees for at least 90 days unless the advertisement specifies a longer period; provided that for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.

Nevada Rule 7.2(f): A lawyer who advertises a specific fee or range of fees shall include all possible terms and fees, and the duration said fees are in effect. Such disclosure shall be presented with equal prominence. For advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.

New York Rule 7.1(m) & (n):

(m) Unless otherwise specified in the advertisement, if a lawyer publishes any fee information authorized under this Rule in a publication that is published more frequently than once per month, the lawyer shall be bound by any representation made therein for a period of not less than 30 days after such publication. If a lawyer publishes any fee information authorized under this Rule in a publication that is published once per month or less frequently, the lawyer shall be bound by any representation made therein until the publication of the succeeding issue. If a lawyer publishes any fee information authorized under this Rule in a publication that has no fixed date for publication of a succeeding issue, the lawyer shall be bound by any representation made therein for a reasonable period of time after publication, but in no event less than 90 days.

(n) Unless otherwise specified, if a lawyer broadcasts any fee information authorized under this Rule, the lawyer shall be bound by any representation made therein for a period of not less than 30 days after such broadcast.

Pennsylvania Rule 7.2(h): A lawyer who advertises a specific fee or range of fees for a particular service shall honor the advertised fee or fee range for at least ninety (90) days following dissemination of the advertisement, unless the advertisement specifies a shorter period; provided that a fee advertised in a publication which is issued not more than annually, shall be honored for one (1) year following publication.

South Dakota Rule 7.2(g)(2): A lawyer who advertises a specific fee, range of fees or hourly rate for a particular service shall honor the advertised fee or rate for at least ninety

(90) days unless the advertisement conspicuously specifies a shorter period; provided, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.

Texas Rule 7.04(i): A lawyer who advertises in the public media a specific fee or range of fees for a particular service shall conform to the advertised fee or range of fees for the period during which the advertisement is reasonably expected to be in circulation or otherwise expected to be effective in attracting clients, unless the advertisement specifies a shorter period; but in no instance is the lawyer bound to conform to the advertised fee or range of fees for a period of more than one year after the date of publication.

Disclosure of Liability For Expenses Other Than Fees (Louisiana)

Louisiana Rule 7.2(c)(6): Every advertisement and unsolicited written communication that contains information about the lawyer's fee, including those that indicate no fee will be charged in the absence of a recovery, shall disclose whether the client will be liable for any costs and/or expenses in addition to the fee.

Prohibition or Restriction on Paying for Ads of Another Lawyer (Colorado, Connecticut, Florida, Louisiana, Missouri, Pennsylvania, South Carolina, South Dakota, Texas)

Colorado Rule 7.1(b): No lawyer shall, directly or indirectly, pay all or a part of the cost of communications concerning a lawyer's services by a lawyer not in the same firm unless the communication discloses the name and address of the non-advertising lawyer, the relationship between the advertising lawyer and the non-advertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the non-advertising lawyer.

Connecticut Rule 7.2(h): No lawyers shall, directly or indirectly pay all or part of the cost of an advertisement by a lawyer not in the same firm unless the advertisement discloses the name and address of the nonadvertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the nonadvertising lawyer.

Florida Rule 4-7.2(c)(12): No lawyer shall, directly or indirectly, pay all or a part of the cost of an advertisement by a lawyer not in the same firm. Rule 4-1.5(f)(4)(D) (regarding the division of contingency fees) is not affected by this provision even though the lawyer covered by rule 4-1.5(f)(4)(D)(ii) advertises

Louisiana Rule 7.2(c)(11): No lawyer shall, directly or indirectly, pay all or a part of the cost of an advertisement by a lawyer not in the same firm.

Missouri Rule 7.2(d): A lawyer may not, directly or indirectly, pay all or a part of the cost of an advertisement in the public media unless such advertisement discloses the name and address of the financing lawyer, the relationship between the advertising lawyer and the financing lawyer, and whether the advertising lawyer is likely to refer cases received through the advertisement to the financing lawyer.

Pennsylvania Rule 7.2(j): A lawyer shall not, directly or indirectly (whether through an advertising cooperative or otherwise), pay all or any part of the costs of an advertisement by a lawyer not in the same firm or by any for-profit entity other than the lawyer's firm, unless the advertisement discloses the name and principal office address of each lawyer or law firm

involved in paying for the advertisement and, if any lawyer or law firm will receive referrals from the advertisement, the circumstances under which referrals will be made and the basis and criteria on which the referral system operates.

South Carolina Rule 7.2(e): No lawyer shall, directly or indirectly, pay all or a part of the cost of an advertisement by a lawyer not in the same firm unless the advertisement discloses the name and address of the nonadvertising lawyer, the relationship between the advertising lawyer and the nonadvertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the nonadvertising lawyer.

South Dakota Rule 7.2(e): Prohibited Cost Sharing.

No lawyer shall, directly or indirectly, pay all or part of the cost of an advertisement by another lawyer with whom the nonadvertising lawyer is not associated in a partnership, professional corporation or limited liability company for the practice of law, unless the advertisement conspicuously discloses the name and address of the nonadvertising lawyer, and conspicuously discloses whether the advertising lawyer contemplates referring all or any part of the representation of a client obtained through the advertisement to the nonadvertising lawyer.

Texas Rule 7.04(k): A lawyer may not, directly or indirectly, pay all or a part of the cost of an advertisement in the public media for a lawyer not in the same firm unless such advertisement discloses the name and address of the financing lawyer, the relationship between the advertising lawyer and the financing lawyer, and whether the advertising lawyer is likely to refer cases received through the advertisement to the financing lawyer.

Prohibition or Restriction on Advertising or Soliciting Employment Where Lawyer Intends to Refer Matter (Louisiana, Missouri, Montana, New York, Ohio)

Louisiana Rule 7.2(c)(12): Referrals to Another Lawyer. If the case or matter will be, or is likely to be, referred to another lawyer or law firm, the communication shall include a statement so advising the prospective client.

Louisiana Rule 7.4(b)(2)(D): If a lawyer other than the lawyer whose name or signature appears on the communication will actually handle the case or matter, any unsolicited written communication concerning a specific matter shall include a statement so advising the client.

Missouri Rule 4-7.1(g): A communication is false or misleading if it indicates an area of practice where the lawyer routinely refers matters to other lawyers, without conspicuous identification of such fact.

Montana Rule 7.1(g): A misleading communication includes, but is not limited to those that indicate an area of practice where the lawyer routinely refers matters to other lawyers, without conspicuous identification of such fact.

New York Rule 7.3(a)(2)(v): A lawyer shall not engage in solicitation by any form of communication if the lawyer intends or expects, but does not disclose, that the legal services necessary to handle the matter competently will be performed primarily by another lawyer who is not affiliated with the soliciting lawyer as a partner, associate or of counsel.

Ohio Rule 7.2(d): A lawyer shall not seek employment in connection with a matter in which the lawyer or law firm does not intend to participate actively in the representation, but that the lawyer or law firm intends to refer to other counsel. This provision shall not apply to organizations listed

in Rules 7.2(b)(2) or (3) or if the advertisement is in furtherance of a transaction permitted by Rule 1.17.

Payment for Recommendations: Lawyer Referral Service Fees (Louisiana)

Louisiana Rule 7.2(c)(13)(A): (A) A lawyer may pay the usual, reasonable and customary charges of a lawyer referral service operated by the Louisiana State Bar Association, any local bar association, or any other not-for-profit organization, provided the lawyer referral service:

- (i) refers all persons who request legal services to a participating lawyer;
- (ii) prohibits lawyers from increasing their fee to a client to compensate for the referral service charges; and
- (iii) fairly and equitably distributes referral cases among the participating lawyers, within their area of practice, by random allotment or by rotation.

Restrictions on Advertising Cooperative or Venture (Texas)

Texas Rule 7.04(o): A lawyer may not advertise in the public media as part of an advertising cooperative or venture of two or more lawyers not in the same firm unless each such advertisement:

- (1) states that the advertisement is paid for by the cooperating lawyers;
- (2) names each of the cooperating lawyers;
- (3) sets forth conspicuously the special competency requirements required by Rule 7.04(b) of lawyers who advertise in the public media;
- (4) does not state or imply that the lawyers participating in the advertising cooperative or venture possess professional superiority, are able to perform services in a superior manner, or possess special competence in any area of law advertised, except that the advertisement may contain the information permitted by Rule 7.04(b)(2); and
- (5) does not otherwise violate the Texas Disciplinary Rules of Professional Conduct.

(p) Each lawyer who advertises in the public media as part of an advertising cooperative or venture shall be individually responsible for:

- (1) ensuring that each advertisement does not violate this Rule; and
- (2) complying with the filing requirements of Rule 7.07.

Omits "Qualified Lawyer Referral Service" from Rule 7.2(b)(2) (Washington)

Washington Rule 7.2(b)(2): A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer referral service.

Omits ABA Model Rule 7.2(b)(4) Regarding Reciprocal Referral Agreements

(Alabama, Arizona, California, Connecticut, Georgia, Hawaii, Kansas, Kentucky, Massachusetts, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming)

ABA Model Rule 7.2(b)(4): A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may:

- (4) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if

- (i) the reciprocal referral agreement is not exclusive, and
- (ii) the client is informed of the existence and nature of the agreement.

Omits Portion of Rule 7.2(b)(4) that Allows Lawyers to Enter into Reciprocal Referral Agreements with Nonlawyer Professionals (Washington)

Requirements for Lawyers in Telephone and City Directories (Iowa)

Iowa Rule 32:7.2(c): Subject to the limitations contained in these rules, a lawyer licensed to practice law in Iowa may permit the inclusion of the lawyer's name, address, telephone number, and designation as a lawyer, in a telephone or city directory, subject to the following requirements:

(1) Only a lawyer's name, address, telephone number, and designation as a lawyer may be alphabetically listed in the residential, business, and classified sections of the telephone or city directory.

(2) Listings in the classified section shall be under the general heading "Lawyers" or "Attorneys," except that a lawyer who has complied with rule 32:7.4(e) may be listed in classifications or headings identifying those fields or areas of practice as listed in rule 32:7.4(a). By further exception, a lawyer qualified under rule 32:7.4 to practice in the field of taxation law also may be listed under the general heading "Tax Preparation" or "Tax Return Preparation" either in lieu of or in addition to the general heading "Lawyers" or "Attorneys."

(3) All other telephone or city directory advertising permitted by these rules, including display or box advertisements, shall include the disclosures required by paragraph (h) when applicable.

Iowa Rule 32:7.2(d): Subject to the limitations contained in these rules, a law firm may permit the inclusion of the firm name, address, and telephone number in a telephone or city directory, subject to the following requirements:

(1) The firm name, a list of its members, address, and telephone number may be listed alphabetically in the residential, business, and classified sections of the telephone or city directory.

(2) Listings in the classified section shall be under the general heading "Lawyers" or "Attorneys," except that a law firm may be listed in each of the classifications or heading identifying those fields or areas of practice as listed in rule 32:7.4(a) in which one or more members of the firm are qualified by virtue of compliance with rule 32:7.4(e).

(3) All other telephone or city directory advertising permitted by these rules, including display or box advertising, may contain the firm name, address, and telephone number, and the names of the individual lawyer members of the firm. All display or box advertisements shall include within the advertisement the disclosures required by paragraph (h) when applicable.

Restrictions for Radio and Television Ads (Florida, Iowa, Louisiana)

Florida Rule 4-7.5(b): Advertisements on the electronic media such as television and radio shall conform to the requirements of this rule.

(1) *Prohibited Content.* Television and radio advertisements shall not contain:

- (A) any feature that is deceptive, misleading, manipulative, or that is likely to confuse the viewer;
- (B) any spokesperson's voice or image that is recognizable to the public; or
- (C) any background sound other than instrumental music.

(2) *Permissible Content.* Television and radio advertisements may contain:

- (A) images that otherwise conform to the requirements of these rules; or

(B) a non-attorney spokesperson speaking on behalf of the lawyer or law firm, as long as the spokesperson is not a celebrity recognizable to the public. If a spokesperson is used, the spokesperson shall provide a spoken disclosure identifying the spokesperson as a spokesperson and disclosing that the spokesperson is not a lawyer.

Iowa Rule 32:7.2(e): Information permitted by these rules, articulated only by a single nondramatic voice, not that of the lawyer, and with no other background sound, may be communicated by radio or television, or other electronic or telephonic media. In the case of television, no visual display shall be allowed except that allowed in print as articulated by the announcer. All such communications shall contain the disclosures required by paragraph (h) when applicable.

Louisiana Rule 7.5(b): Advertisements on the electronic media such as television and radio shall conform to the requirements of this Rule.

(1) Prohibited Content. Television and radio advertisements shall not contain: (A) any feature, including, but not limited to, background sounds, that is false, misleading or deceptive; or

(B) lawyers who are not members of the advertising law firm speaking on behalf of the advertising lawyer or law firm.

(2) Permissible Content. Television and radio advertisements may contain:

(A) images that otherwise conform to the requirements of these Rules;

(B) a lawyer who is a member of the advertising firm personally appearing to speak regarding the legal services the lawyer or law firm is available to perform, the fees to be charged for such services, and the background and experience of the lawyer or law firm;

Television Advertisements—Requirements for Name and Contact Information of Lawyer
(Connecticut)

Connecticut Rule 7.2(d): In the case of television advertisements, the name, address and telephone number of the lawyer admitted in Connecticut shall be displayed in bold print for fifteen seconds or the duration of the commercial, whichever is less, and shall be prominent enough to be readable.

Requirements for Electronic Media and Computer-Accessed Communications (Arizona, Florida, Louisiana)

Arizona Rule 7.2(e): Advertisements on the electronic media may contain the same information as permitted in advertisements in the print media. If a law firm advertises on electronic media and a person appears purporting to be a lawyer, such person shall in fact be a lawyer employed full-time at the advertising law firm. If a law firm advertises a particular legal service on electronic media, and a lawyer appears as the person purporting to render the service, the lawyer appearing shall be the lawyer who will actually perform the service advertised unless the advertisement discloses that the service may be performed by other lawyers in the firm.

Florida Rule 4-7.6 Computer-Accessed Communications

(a) Definition. For purposes of this subchapter, "computer-accessed communications" are defined as information regarding a lawyer's or law firm's services that is read, viewed, or heard directly through the use of a computer. Computer-accessed communications include, but are not limited to, Internet presences such as websites, unsolicited electronic mail communications, and information concerning a lawyer's or law firm's services that appears on Internet search engine screens and elsewhere.

(b) Internet Presence. All websites accessed via the Internet that are controlled or sponsored by a lawyer or law firm and that contain information concerning the lawyer's or law firm's services:

(1) shall disclose all jurisdictions in which the lawyer or members of the law firm are licensed to practice law;

(2) shall disclose 1 or more bona fide office locations of the lawyer or law firm, in accordance with subdivision (a)(2) of rule 4-7.2; and

(3) are subject to the requirements of rule 4-7.2.

(c) Electronic Mail Communications. A lawyer shall not send, or knowingly permit to be sent, on the lawyer's behalf or on behalf of the lawyer's firm or partner, an associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, an unsolicited electronic mail communication directly or indirectly to a prospective client for the purpose of obtaining professional employment unless:

(1) the requirements of rule 4-7.2 and subdivisions (b)(1), (b)(2)(A), (b)(2)(D), (b)(2)(E), (b)(2)(F), (b)(2)(G), (b)(2)(H), and (b)(2)(I) of rule 4-7.4 are met;

(2) the communication discloses 1 or more bona fide office locations of the lawyer or lawyers who will actually perform the services advertised, in accordance with subdivision (a)(2) of rule 4-7.2; and

(3) the subject line of the communication begins with "LEGAL ADVERTISEMENT."

(d) Advertisements. All unsolicited computer-accessed communications concerning a lawyer's or law firm's services not addressed by other provisions of this rule are subject to the requirements of rule 4-7.2.

Louisiana Rule 7.6: (a) Definition. For purposes of these Rules, "computer-accessed communications" are defined as information regarding a lawyer's or law firm's services that is read, viewed, or heard directly through the use of a computer. Computer-accessed communications include, but are not limited to, Internet presences such as home pages or World Wide Web sites, unsolicited electronic mail communications, and information concerning a lawyer's or law firm's services that appears on World Wide Web search engine screens and elsewhere.

(b) Internet Presence. All World Wide Web sites and home pages accessed via the Internet that are controlled, sponsored, or authorized by a lawyer or law firm and that contain information concerning the lawyer's or law firm's services:

(1) shall disclose all jurisdictions in which the lawyer or members of the law firm are licensed to practice law;

(2) shall disclose one or more bona fide office location(s) of the lawyer or law firm or, in the absence of a bona fide office, the city or town of the lawyer's primary registration statement address, in accordance with subdivision (a)(2) of Rule 7.2; and

(3) are considered to be information provided upon request and, therefore, are otherwise governed by the requirements of Rule 7.9.

(c) Electronic Mail Communications. A lawyer shall not send, or knowingly permit to be sent, on the lawyer's behalf or on behalf of the lawyer's firm or partner, an associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, an unsolicited electronic mail communication directly or indirectly to a prospective client for the purpose of obtaining professional employment unless:

(1) the requirements of subdivisions (b)(1), (b)(2)(A), (b)(2)(B)(i), (b)(2)(C), (b)(2)(D), (b)(2)(E) and (b)(2)(F) of Rule 7.4 are met;

(2) the communication discloses one or more bona fide office location(s) of the lawyer or lawyers who will actually perform the services advertised or, in the absence of a bona fide office, the city or town of the lawyer's primary registration statement address, in accordance with subdivision (a)(2) of Rule 7.2; and

(3) the subject line of the communication states "LEGAL ADVERTISEMENT." This is not required for electronic mail communications sent only to other lawyers.

(d) Advertisements. All computer-accessed communications concerning a lawyer's or law firm's services, other than those subject to subdivisions (b) and (c) of this Rule, are subject to the requirements of Rule 7.2 when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain. (NOTE: As it applies to Internet communications, paragraph (d) has been enjoined.)

Requirements for Font Size, etc. for Fees Stated (Iowa, Kentucky)

Iowa Rule 32:7.2(h)(2): If fixed fees or a range of fees for specific legal services are communicated, the lawyer must disclose, in print size at least equivalent to the largest print used in setting forth the fee information, the following information:

- (i) that the stated fixed fees or range of fees will be available only to clients whose matters are encompassed within the described services; and
- (ii) if the client's matters are not encompassed within the described services, or if an hourly fee rate is stated, the client is entitled, without obligation, to a specific written estimate of the fees likely to be charged.

Kentucky SCR 3.130(7.05)(1)(a)(23): Range of fees for services, provided that the statement discloses that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each client and the client is entitled without obligation to an estimate of the fee within the range likely to be charged, in print size equivalent to the largest print used in setting forth the fee information.

(24) Hourly rate, provided that the statement discloses that the total fee charged will depend upon the number of hours which must be devoted to the particular matter to be handled for each client and the client is entitled to without obligation an estimate of the fee likely to be charged, in print size at least equivalent to the largest print used in setting forth the fee information.

Limitations on Term "Specific Legal Services" (Iowa)

Iowa Rule 32:7.2(h)(3): For purposes of these rules, the term "specific legal services" shall be limited to the following services:

- (i) abstract examinations and title opinions not including services in clearing title;
- (ii) uncontested dissolutions of marriage involving no disagreement concerning custody of children, alimony, child support, or property settlement. See rule 32:1.7(c);
- (iii) wills leaving all property outright to one beneficiary and contingently to one beneficiary or one class of beneficiaries;
- (iv) income tax returns for wage earners;
- (v) uncontested personal bankruptcies;
- (vi) changes of name;
- (vii) simple residential deeds;
- (viii) residential purchase and sale agreements;
- (ix) residential leases;
- (x) residential mortgages and notes;
- (xi) powers of attorney;
- (xii) bills of sale; and
- (xiii) limited representation as authorized by rule 32:1.2(c).

“Clear and Conspicuous” Requirement (Arizona, Louisiana)

Arizona Rule 7.2(f): Communications required by paragraphs (c) and (d) shall be clear and conspicuous. To be “clear and conspicuous” a communication must be of such size, color, contrast, location, duration, cadence, and audibility that an ordinary person can readily notice, read, hear, and understand it.

Louisiana Rule 7.2(c)(10): All disclosures and disclaimers required by these Rules shall be clear and conspicuous. Written disclosures and disclaimers shall use a print size at least as large as the largest print size used in the advertisement or unsolicited written communication, and, if televised or displayed electronically, shall be displayed for a sufficient time to enable the viewer to easily see and read the disclosure or disclaimer. Spoken disclosures and disclaimers shall be plainly audible and spoken at the same or slower rate of speed as the other spoken content of the advertisement. All disclosures and disclaimers used in advertisements that are televised or displayed electronically shall be both spoken aloud and written legibly.

Restrictions on Advertising Existence of Office Other than Principal Office (Missouri, Montana, Texas)

Missouri Rule 4-7.1(j): A communication is misleading if it provides an office address for an office staffed only part-time or by appointment only, without conspicuous identification of such fact.

Montana Rule 7.1(j): A misleading communication includes, but is not limited to those that: provides an office address for an office staffed only part-time or by appointment only, without conspicuous identification of such fact.

Missouri Rule 4-7.2(e): A lawyer or law firm shall not advertise the existence of any office other than the principal office unless:

- (1) that other office is staffed by a lawyer at least three days a week, or
- (2) the advertisement states:
 - (A) the days and times during which a lawyer will be present at that office, or
 - (B) That meeting with lawyers will be by appointment only.

Missouri Rule 4-7.2(g): The disclosures required by Rule 4-7.2(e) and (f) need not be made if the information communicated is limited to the following:

- (1) the name of the law firm and names of the lawyers in the firm;
- (2) one or more fields of law in which the lawyer or law firm practices;
- (3) the date and place of admission to the bar of state and federal court; and
- (4) the address, including e-mail and web site address, telephone number, and office hours.

Texas Rule 7.04(j): A lawyer or firm who advertises in the public media must disclose the geographic location, by city or town, of the lawyer's or firm's principal office. A lawyer or firm shall not advertise the existence of any office other than the principal office unless:

- (1) that other office is staffed by a lawyer at least three days a week; or
- (2) the advertisement states:
 - (i) the days and times during which a lawyer will be present at that office, or
 - (ii) that meetings with lawyers will be by appointment only.

Required Disclosure Regarding Importance of Selecting a Lawyer (Missouri)

Missouri Rule 4-7.2(f): Any advertisement or communication mad pursuant to this Rule 4-7.2, other than written solicitations governed by the disclosure rules of Rule 4-7.3(b), shall contain the following conspicuous disclosure: "The choice of a lawyer is an important decision and should not be based solely upon advertisement.

Missouri Rule 4-7.2(g): The disclosures required by Rule 4-7.2(e) and (f) need not be made if the information communicated is limited to the following:

- (1) the name of the law firm and names of the lawyers in the firm;
- (2) one or more fields of law in which the lawyer or law firm practices;
- (3) the date and place of admission to the bar of state and federal court; and
- (4) the address, including e-mail and web site address, telephone number, and office hours.

Exception for Non-Profit Organizations (Louisiana, Wyoming)

Louisiana Rule 7.1(c): Publications, educational materials, websites and other communications by lawyers on behalf of non-profit organizations that are not motivated by pecuniary gain are not advertisements or unsolicited written communications within the meaning of these Rules.

Wyoming Rule 7.2(k): This rule shall not apply to public service advertisements disseminated by the Wyoming State Bar, Wyoming Trial Lawyers or other non-profit associations.

Aspirational Goals (Maine)

Maine Rule 7.2-A: These aspirational goals are intended to provide suggested objectives that all lawyers who engage in advertising their services should be encouraged to achieve in order that lawyer advertising may be more effective and reflect the professionalism of the legal community.

(a) A lawyer should ensure that any advertising that the lawyer communicates or causes to be communicated by publication, broadcast, or other media is informative to potential clients, is presented in an understandable and dignified fashion, and accurately portrays the serious purpose of legal services and our judicial system. When advertising, though not false or misleading, degenerates into undignified and unprofessional presentations, the public is not served, the reputation of the lawyer who advertises may suffer, and the public's confidence in the legal profession and the judicial system may be harmed. Lawyers who advertise should recognize their obligation to advance the public's confidence in the legal profession and our system of justice. In furtherance of these goals, lawyers who advertise should:

- (1) avoid statements, claims, or comparisons that cannot be objectively substantiated;
- (2) avoid representations that demean opposing parties, opposing lawyers, the judiciary, or others involved in the legal process;
- (3) avoid crass representations or dramatizations, hawkish spokespersons, slapstick routines, outlandish settings, unduly dramatic music, sensational sound effects, and unseemly slogans that undermine the serious purpose of legal services and the judicial system;
- (4) avoid representations to potential clients that suggest promises of results or will create unjustified expectations such as "guaranteed results" or "we get top dollar awards";

(5) clearly identify the use of professional actors or other spokespersons who may not be providing the legal services advertised unless it is readily apparent from the context of the advertisement that the actor or spokesperson does not provide the advertised legal services (e.g., a radio advertisement in which the speaker does not purport to be the lawyer or a member of the firm);

(6) avoid the use of simulated scenes, actors who portray lawyers, clients or participants in the judicial system, and dramatizations unless they are clearly identified as such;

(7) avoid representations that suggest that the ingenuity or prior record of a lawyer, rather than the merits of the claim, are the principal factors likely to determine the outcome of the representation; and

(8) avoid representations designed to appeal to greed, exploit the fears of potential clients, or promote a suggestion of violence.

(b) The responsibilities set forth in this Rule are aspirational and not to be enforced through disciplinary process.

Lawyer Responsible for Law Firm Advertising (Virginia)

Virginia Rule 7.1(c): Any advertising pursuant to this Rule shall include the name and office address of at least one lawyer responsible for its content; or, in the alternative, a law firm may file with the Virginia State Bar a current written statement identifying the lawyer responsible for the law firm's advertising and its office address. The law firm shall promptly update the written statement if there is any change in status.

Requests for Information by Ethics Counsel (Virginia)

Virginia Rule 7.1(d): A lawyer shall timely respond to and fully cooperate with any requests for information by Ethics Counsel regarding the lawyer's advertising.