

**DIFFERENCES BETWEEN STATE ADVERTISING AND
SOLICITATION RULES AND ABA MODEL RULES OF
PROFESSIONAL CONDUCT**

APPENDIX "C"

Differences between State Advertising and Solicitation Rules and the ABA
Model Rules of Professional Conduct (January 1, 2013)*

*Note: This document reflects the Florida Advertising Rules following the ruling in case number SC08-1181, pending the Court's ruling on additional amendments to rule 4-7.6(b) in case number SC10-1014. This document also reflects the ruling of the U.S. Ct. of Appeals for the Second Circuit in Hayes v. State of New York, 10-1587-cv (March 5, 2012) in regard to Rule 7.4(c).

For links to all state ethics rules (including advertising rules), go to
http://www.americanbar.org/groups/professional_responsibility/resources/links_of_interest.html

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(Florida, Indiana, Louisiana, Missouri, Montana, New Mexico, New York, South Carolina, South Dakota, Texas, Virginia)

Prohibition on Statements that Promise Results

(Florida, Indiana, Louisiana)

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(California, Connecticut, Florida, Georgia, Kentucky, Louisiana, Missouri, Montana, Nevada, New York, Pennsylvania, Rhode Island, Texas)

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(Ohio)

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(Alabama, Alaska, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oregon, South Carolina, Texas, West Virginia, Wisconsin, Wyoming)

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(Arkansas, California, Indiana, Louisiana, Missouri, Montana, Nevada, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Wyoming)
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(Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oregon, South Carolina, Texas, West Virginia, Wisconsin, Wyoming)
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(New York)
- Identifying Jurisdictions in Which the Lawyer is Licensed to Practice**
(Missouri)

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 York, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wyoming)

Web site Hyperlinks Exempt from Advertising Rules

(Iowa)

Prior Filing or Approval

(Connecticut, Florida, Kentucky, Louisiana, Mississippi, Nevada, South Dakota)

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)

Restrictions on Advertising Area of Practice

(Florida, Louisiana)

Prohibits Statement, Reference, or Implication That Communication is Approved by State Supreme Court, State Bar, or Board of Professional Responsibility

(Alabama, Florida, Louisiana, Tennessee)

Must Disclose Location of Practice

(Florida, Louisiana, Mississippi, Pennsylvania, South Carolina, South Dakota, Texas)

All Ads Must be Approved by Lawyer or Firm

(New York, Texas)

General Disclaimers as to Quality of Legal Services

(Alabama, Alaska, Nevada, Pennsylvania)

Period During Which Lawyer Must Honor Fee Advertised

(Alabama, Arizona, California, Connecticut, Florida, Iowa, Louisiana, Mississippi, Nevada, New York, Pennsylvania, South Dakota, Texas)

Disclosure of Liability for Expenses Other Than Fees

(Louisiana)

Prohibition or Restriction on Paying for Ads of Another Lawyer

(Colorado, Connecticut, Florida, Louisiana, Missouri, Pennsylvania, South Carolina, South Dakota, Texas)

Prohibition or Restrictions on Advertising or Soliciting Employment Where Lawyer Intends to Refer Matter

(Louisiana, Missouri, Montana, New York, Ohio)

Payment for Recommendations: Lawyer Referral Service Fees

(Louisiana)

Restrictions on Advertising Cooperative or Venture

(Texas)

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

(Washington)

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

(Alabama, Arizona, California, Connecticut, Georgia, Hawaii, Kansas, Kentucky, Louisiana, 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)

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)
Restrictions for Radio and Television Ads
(Florida, Iowa, Louisiana)
Television Advertisements—Requirements for Name and Contact Information of Lawyer
(Connecticut)
Requirements for Electronic Media and Computer-Accessed Communications
(Arizona, Florida, Louisiana)
Requirements for Font Size, etc. for Fees Stated
(Iowa, Kentucky)
Limitations on Term “Specific Legal Services”
(Iowa)
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(Arizona, Louisiana)
Restrictions on Advertising Existence of Office Other than Principal Office
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Required Disclosure Regarding Importance of Selecting a Lawyer
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(Louisiana, Wyoming)
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(Maine)
Lawyer Responsible for Law Firm Advertising
(Virginia)
Requests for Information by Ethics Counsel
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