

1 **Rule 7.2. Advertising.**

2 (a) Subject to the requirements of Rules 7.1-~~and 7.3~~, a lawyer may advertise
3 services through the public media, such as telephone directory, legal directory,
4 newspaper or other periodical, billboards and other signs, radio, television and recorded
5 messages the public may access by dialing a telephone number, or through written or
6 electronic communication not involving solicitation as prohibited by Rule 7.3.

7 (a)(1) As used in these Rules, “advertisement” shall mean any communication made
8 to induce persons to use a lawyer’s services. ~~written, recorded or electronic~~
9 communication, including public media.

10 ~~(b) A lawyer shall not give anything of value to a person for recommending the~~
11 ~~lawyer’s services; except that a lawyer may:~~

12 ~~(b)(1) pay the reasonable costs of advertisements or communications permitted by~~
13 ~~this Rule;~~

14 ~~(b)(2) pay the usual charges of a legal service plan or a lawyer referral service.~~

15 ~~(b)(3) pay for a law practice in accordance with Rule 1.17; or~~

16 ~~(b)(4) divide a fee with another lawyer as permitted by Rule 1.5(e).~~

17 ~~(c) Any communication made pursuant to this Rule shall include the name and office~~
18 ~~address of at least one lawyer of the firm responsible for its content.~~

19 (a)(2) These Rules shall not apply to any advertisement that is broadcast or
20 disseminated in another jurisdiction in which the advertising lawyer is admitted if such
21 advertisement complies with the rules governing lawyer advertising in that jurisdiction
22 and the advertisement is not intended primarily for broadcast or dissemination within the
23 state of Utah.

24 (b) If the advertisement uses any actors to portray a lawyer, members of the law
25 firm, clients or utilizes depictions of fictionalized events or scenes, the same must be
26 disclosed. In the event actors are used, the disclosure must be sufficiently specific to
27 identify which persons in the advertisement are actors, and the disclosure must appear
28 for the duration in which the actor(s) appear in the advertisement.

29 (c) All advertisements and written communications disseminated pursuant to these
30 Rules shall include the name of at least one lawyer or law firm responsible for their
31 content.

32 (d) Every advertisement and written communication that indicates one or more areas
33 of law in which the lawyer or law firm practices shall conform to the requirements of
34 Rule 7.4.

35 (e) Every advertisement and written communication indicating that the charging of a
36 fee is contingent on outcome or that the fee will be a percentage of the recovery shall
37 set forth clearly the client's responsibility for the payment of costs.

38 (f) A lawyer who advertises a specific fee or range of fees shall include all relevant
39 charges and fees, and the duration such fees are in effect.

40 (g) The following information in advertisements and written communications shall be
41 presumed not to violate the provisions of Rule 7.1:

42 (g)(1) subject to the requirements of this Rule and Rule 7.5, the name of the lawyer
43 or law firm, a listing of lawyers associated with the firm, office addresses and telephone
44 numbers, office and telephone service hours, and a designation such as "attorney" or
45 "law firm";

46 (g)(2) date of admission to the Utah State Bar and any other bars and a listing of
47 federal courts and jurisdictions other than Utah where the lawyer is licensed to practice;

48 (g)(3) technical and professional licenses granted by the state or other recognized
49 licensing authorities;

50 (g)(4) foreign language ability;

51 (g)(5) prepaid or group legal service plans in which the lawyer participates;

52 (g)(6) acceptance or non-acceptance of credit cards;

53 (g)(7) fee for initial consultation and fee schedule, subject to the requirements of
54 paragraphs (e) and (f) of this Rule; and

55 (g)(8) a listing of the name and geographic location of a lawyer or law firm as a
56 sponsor of a public service announcement or charitable, civic or community program or
57 event.

58 (h) Nothing in this Rule prohibits a lawyer and law firms from advertising their
59 inclusion in law lists and law directories intended primarily for the use of the legal
60 profession or such information as has traditionally been included in these publications.

61 (i) A copy or recording of an advertisement or written or recorded communication as
62 set forth in Rule 7.2A shall be submitted to the Utah State Bar, and a copy shall be

63 retained by the lawyer or law firm which advertises for 3 years after its last
64 dissemination along with a record of when and where it was used.

65 (j) A lawyer shall not give anything of value to a person for recommending the
66 lawyer's services, except that a lawyer may pay the reasonable cost of advertising or
67 written or recorded communication permitted by these Rules and may pay the usual
68 charges of a lawyer referral service or other legal service organization.

69 Comment

70 [1] To assist the public in obtaining legal services, lawyers should be allowed to
71 make known their services not only through reputation but also through organized
72 information campaigns in the form of advertising. Advertising involves an active quest
73 for clients, contrary to the tradition that a lawyer should not seek clientele. However, the
74 public's need to know about legal services can be fulfilled in part through advertising.
75 This need is particularly acute in the case of persons of moderate means who have not
76 made extensive use of legal services. The interest in expanding public information
77 about legal services ought to prevail over considerations of tradition. Nevertheless,
78 advertising by lawyers entails the risk of practices that are misleading or overreaching.

79 [2] This Rule permits public dissemination of information concerning a lawyer's name
80 or firm name, address and telephone number; the kinds of services the lawyer will
81 undertake; the basis on which the lawyer's fees are determined, including prices for
82 specific services and payment and credit arrangements; a lawyer's foreign language
83 ability; names of references and, with their consent, names of clients regularly
84 represented; and other information that might invite the attention of those seeking legal
85 assistance.

86 [3] Questions of effectiveness and taste in advertising are matters of speculation and
87 subjective judgment. Some jurisdictions have had extensive prohibitions against
88 television advertising, against advertising going beyond specified facts about a lawyer
89 or against "undignified" advertising. Television is now one of the most powerful media
90 for getting information to the public, particularly persons of low and moderate income;
91 prohibiting television advertising, therefore, would impede the flow of information about
92 legal services to many sectors of the public. Limiting the information that may be
93 advertised has a similar effect and assumes that the Bar can accurately forecast the

94 kind of information that the public would regard as relevant. Similarly, electronic media,
95 such as the Internet, can be an important source of information about legal services,
96 and lawful communication by electronic mail is permitted by this Rule. But see Rule
97 7.3(a) for the prohibition against the solicitation of a prospective client through a real-
98 time electronic exchange that is not initiated by the prospective client.

99 [4] Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such
100 as notice to members of a class in class action litigation.

101 **Paying Others to Recommend a Lawyer**

102 [5] Lawyers are not permitted to pay others for channeling professional work.
103 Paragraph (b)(1), however, allows a lawyer to pay for advertising and communications
104 permitted by this Rule, including the costs of print directory listings, on-line directory
105 listings, newspaper ads, television and radio airtime, domain-name registrations,
106 sponsorship fees, banner ads and group advertising. A lawyer may compensate
107 employees, agents and vendors who are engaged to provide marketing or client-
108 development services, such as publicists, public-relations personnel, business-
109 development staff and website designers. See Rule 5.3 for the duties of lawyers and
110 law firms with respect to the conduct of non-lawyers who prepare marketing materials
111 for them.

112 [6] A lawyer may pay the usual charges of a legal service plan or a lawyer referral
113 service. A legal service plan is a prepaid or group legal service plan or a similar delivery
114 system that assists prospective clients to secure legal representation. A lawyer referral
115 service, on the other hand, is an organization that holds itself out to the public to provide
116 referrals to lawyers with appropriate experience in the subject matter of the
117 representation.

118 No fee generating referral may be made to any lawyer or firm that has an ownership
119 interest in, or who operates or is employed by, a legal referral service, or who is
120 associated with a firm that has an ownership interest in, or operates or is employed by,
121 a lawyer referral service.

122 [7] A lawyer who accepts assignments or referral from a legal service plan or
123 referrals from a lawyer referral service must act reasonably to assure that the activities
124 of the plan or service are compatible with the lawyer's professional obligations. See

125 Rule 5.3. Legal service plans and lawyer referral services may communicate with
126 prospective clients, but such communication must be in conformity with these Rules.
127 Thus, advertising must not be false or misleading, as would be the case if the
128 communications of a group advertising program or a group legal services plan would
129 mislead prospective clients to think that it was a lawyer referral service sponsored by a
130 state agency or bar association. Nor could the lawyer allow in-person, telephonic, or
131 real-time contacts that would violate Rule 7.3.

132 [7a] Utah Rule 7.2(b)(2) differs from the ABA Model Rule by permitting a lawyer to
133 pay the usual charges of any lawyer referral service. This is not limited to not-for-profit
134 services. Comment [6] to the Utah rule is modified accordingly.

135 [\[7b\] Utah Rule 7.2 A and 7.2 B have no corresponding provisions in the ABA Model](#)
136 [Rule.](#)

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