

1        **Rule 7.2A. Filing Requirements for Public Advertisements and Written,**  
2 **Recorded, Electronic, or Other Digital Solicitations.**

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

7        (a)(1) a copy of the written, audio, audio-visual, digital, or other electronic solicitation  
8 communication being sent or to be sent to one or more prospective clients for the  
9 purpose of obtaining professional employment, together with a representative sample of  
10 the envelopes or other packaging in which the communications are enclosed; and

11        (a)(2) a completed lawyer advertising and solicitation communication application.

12        (b) A lawyer shall annually submit on the licensing renewal form the URL of any  
13 website(s) the lawyer uses.

14        (c) Pre-approval Requests; Advance Advisory Opinions. A lawyer who desires to  
15 secure an advance advisory opinion, referred to as a request for pre-approval,  
16 concerning compliance of a contemplated solicitation communication or advertisement  
17 may submit to the Lawyer Advertising Review Committee, not less than thirty (30) days  
18 prior to the date of first dissemination, the material specified in paragraph (a) or (b) or  
19 the intended initial access page submitted pursuant to paragraph (a), including the  
20 application form and required fee; provided however, it shall not be necessary to submit  
21 a videotape or DVD if the videotape or DVD has not then been prepared and the  
22 production script submitted reflects in detail and accurately the actions, events, scenes,  
23 and background sounds that will be depicted or contained on such videotapes or DVDs,  
24 when prepared, as well as the narrative transcript of the verbal and printed portions of  
25 such advertisement.

26        (d) Binding and non-binding effects of Advance Advisory Opinions. If a lawyer  
27 submits an advertisement or solicitation communication for pre-approval, a finding of  
28 noncompliance by the Advertising Review Committee is not binding in a disciplinary  
29 proceeding or disciplinary action, but a finding of compliance is binding upon OPC in  
30 favor of the submitting lawyer as to all materials actually submitted for pre-approval if

31 the representations, statements, materials, facts, and written assurances received in  
32 connection therewith are true and are not misleading and OPC shall not prosecute a  
33 lawyer for advertising that is in compliance with an advisory opinion.

34 (d)(1) No court is bound by the Advertising Review Committee's interpretation of the  
35 Utah Rules of Professional Conduct. The OPC may at any time request the Advertising  
36 Review Committee to review, modify or withdraw a decision on pre-approval of an  
37 advertisement.

38 (d)(2) The OPC may also request the Supreme Court to review, affirm, reverse or  
39 otherwise modify an advisory opinion on the pre-approval of an advertisement. The  
40 finding of compliance constitutes admissible evidence if offered by a party.

41 (e) The filing requirements of paragraphs (a) and (b) do not extend to any of the  
42 following materials, provided those materials comply with Rule 7.2 (a) through (c) and,  
43 where applicable, Rule 7:

44 (e)(1) an advertisement in the public media that contains only part or all of the  
45 following information,

46 (e)(2) the name of the lawyer or firm and lawyers associated with the firm, with office  
47 addresses, electronic addresses, telephone numbers, office and telephone service  
48 hours, telecopier numbers, and a designation of the profession such as "attorney,"  
49 "lawyer," "law office," or "firm";

50 (e)(3) the particular areas of law in which the lawyer or firm specializes or possesses  
51 special competence;

52 (e)(4) the particular areas of law in which the lawyer or firm practices or concentrates  
53 or to which it limits its practice;

54 (e)(5) the date of admission of the lawyer or lawyers to the Utah State Bar, to federal  
55 courts, and to the bars of other jurisdictions;

56 (e)(6) technical and professional licenses granted by this state and other recognized  
57 licensing authorities;

58 (e)(7) foreign language ability;

59 (e)(8) fields of law in which one or more lawyers are certified or designated, provided  
60 the statement of this information is in compliance with Rule 7.4;

61 (e)(9) identification of prepaid or group legal service plans in which the lawyer  
62 participates;

63 (e)(10) the acceptance or non-acceptance of credit cards;

64 (e)(11) any fee for initial consultation and fee schedule;

65 (e)(12) other publicly available information concerning legal issues, not prepared or  
66 paid for by the firm or any of its lawyers, such as news articles, legal articles, editorial  
67 opinions, or other legal developments or events, such as proposed or enacted rules,  
68 regulations, or legislation;

69 (e)(13) in the case of a website, links to other websites;

70 (e)(14) that the lawyer or firm is a sponsor of a charitable, civic, or community  
71 program or event, or is a sponsor of a public service announcement;

72 (e)(15) any disclosure or statement required by these rules;

73 (e)(16) any other information specified from time to time in orders promulgated by  
74 the Supreme Court of Utah or

75 (e)(17) an advertisement in the public media that:

76 (e)(17)(i) identifies one or more lawyers or a firm as a contributor to a specified  
77 charity or as a sponsor of a specified charitable, community, or public interest program,  
78 activity, or event; and

79 (e)(17)(ii) contains no information about the lawyers or firm other than names of the  
80 lawyers or firm or both, location of the law offices, and the fact of the sponsorship or  
81 contribution.

82 (e)(18) a listing or entry in a regularly published law list;

83 (e)(19) an announcement card stating new or changed associations, new offices, or  
84 similar changes relating to a lawyer or firm, or a tombstone professional card;

85 (e)(20) in the case of communications sent, delivered, or transmitted to, rather than  
86 accessed by, intended recipients, a newsletter, whether written, digital, or electronic,  
87 provided that it is sent, delivered, or transmitted mailed only to:

88 (e)(20)(i) existing or former clients;

89 (e)(20)(ii) other lawyers or professionals; or

90 (e)(20)(iii) members of a nonprofit organization that meets the following conditions:  
91 the primary purposes of the organization do not include the rendition of legal services;  
92 the recommending, furnishing, paying for, or educating persons regarding legal services  
93 is incidental and reasonably related to the primary purposes of the organization; the  
94 organization does not derive a financial benefit from the rendition of legal services by a  
95 lawyer; and the person for whom the legal services are rendered, and not the  
96 organization, is recognized as the client of the lawyer who is recommended, furnished,  
97 or paid by the organization;

98 (e)(21) a solicitation communication that is not motivated by or concerned with a  
99 particular past occurrence or event or a particular series of past occurrences or events,  
100 and also is not motivated by or concerned with the prospective client's specific existing  
101 legal problem of which the lawyer is aware;

102 (e)(22) a solicitation communication if the lawyer's use of the communication to  
103 secure professional employment was not significantly motivated by a desire for, or by  
104 the possibility of obtaining, pecuniary gain; or

105 (e)(23) a solicitation communication that is requested by the prospective client.

106 (f) If requested by the Advertising Review Committee, a lawyer shall promptly submit  
107 information to substantiate statements or representations made or implied in any  
108 advertisement in the public media and/or written solicitation communication by which  
109 the lawyer seeks paid professional employment.

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