

1 **Rule 7.2B. Advertising Review Committee; Pre-dissemination Review.**

2 (a) Advertising Review Committee. The Board of Bar Commissioners shall create an
3 Advertising Committee, to review filings submitted under Rule 7.2A and to respond to
4 written requests from an advertising lawyer or law firm voluntarily seeking an advance
5 opinion regarding that lawyer's compliance with the advertising rules.

6 (b) The Board of Bar Commissioners may promulgate bylaws, rules of procedure,
7 and reasonable fees for advance opinions to offset the administrative costs of these
8 committees, as it deems necessary and proper. A Bar staff member(s) shall be
9 designated to assist with implementing this Rule, including but not limited to providing
10 administrative support to the standing committees, and receiving and coordinating
11 requests submitted under subparagraph (c)(1) of this Rule.

12 (c) Advertising Review Committee composition. The Advertising Review Committee
13 shall have a minimum of 5 volunteer members, 4 of whom shall be members of the Utah
14 State Bar and 1 of whom may be a non-lawyer. The committee shall also have a
15 minimum of 5 members to serve as ad hoc or conflict replacements when needed.

16 (c)(1) Appointment. Members shall be appointed by the Board of Bar Commissioners
17 and serve 2-year terms, subject to reappointment at the Board's discretion. No member
18 shall serve a lifetime total of more than 12 years. Members may be removed by the
19 Board of Bar Commissioners for cause.

20 (c)(2) Minimum duties. The committee shall meet at least monthly on a
21 predetermined date, and as often thereafter as necessary, to review all matters before it
22 in a timely fashion. Advance opinions shall be provided within 30 days of submission of
23 the request or sooner. Requests to expedite review of advertisements shall be granted
24 whenever possible within reason. The Board of Bar Commissioners may promulgate a
25 procedure and attach an added fee for expedited requests.

26 (d) Review of filings; advisory opinions to OPC. The committee may issue advisory
27 opinions on any advertisement filed with the Utah State Bar. If the committee finds that
28 an advertisement does not comply with these rules, it may issue an advisory opinion to
29 OPC within 30 days of its review. The opinion must include the basis for the

30 Committee's finding of noncompliance and a recommendation that OPC issue a notice
31 to the lawyer or law firm requesting a correction or withdrawal of the advertisement.

32 (d)(1) If OPC accepts the committee's recommendation and issues the notice, the
33 advertising lawyer or law firm has 30 days to respond to OPC's notice. OPC may initiate
34 appropriate disciplinary action if the lawyer or law firm fails to file timely response.

35 (d)(2) The committee is also authorized to monitor all advertising submitted by a
36 member of the Bar or public, or personally observed, and file a complaint with OPC. The
37 resulting complaint shall constitute a valid written complaint as required by the Rule 14-
38 510 of the Rules of Lawyer Discipline and Disability.

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