

1 **Rule 7.1. Communications Concerning a Lawyer's Services.**

2 A lawyer shall not make a false or misleading communication about the
3 lawyer or the lawyer's services. A communication is false or misleading if it:

4 (a) contains a material misrepresentation of fact or law, or omits a fact
5 necessary to make the statement considered as a whole not materially
6 misleading;

7 (b) is likely to create an unjustified or unreasonable expectation about
8 results the lawyer can achieve or has achieved; or

9 (c) contains a testimonial or endorsement that violates any portion of this
10 Rule.

11 Comment

12 [1] This Rule governs all communications about a lawyer's services,
13 including advertising permitted by Rule 7.2. Whatever means are used to
14 make known a lawyer's services, statements about them must be truthful.

15 [2] Truthful statements that are misleading are also prohibited by this Rule.
16 A truthful statement is misleading if it omits a fact necessary to make the
17 lawyer's communication considered as a whole not materially misleading. A
18 truthful statement is also misleading if there is a substantial likelihood that it
19 will lead a reasonable person to formulate a specific conclusion about the
20 lawyer or the lawyer's services for which there is no reasonable factual
21 foundation.

22 [3] An advertisement that truthfully reports a lawyer's achievements on
23 behalf of clients or former clients may be misleading if presented so as to lead
24 a reasonable person to form an unjustified expectation that the same results
25 could be obtained for other clients in similar matters without reference to the
26 specific factual and legal circumstances of each client's case. Similarly, an
27 unsubstantiated comparison of the lawyer's services or fees with the services

28 or fees of other lawyers may be misleading if presented with such specificity
29 as would lead a reasonable person to conclude that the comparison can be
30 substantiated. The inclusion of an appropriate disclaimer or qualifying
31 language may preclude a finding that a statement is likely to create unjustified
32 expectations or otherwise mislead ~~a prospective client~~ the public.

33 [4] See also Rule 8.4(e) for the prohibition against stating or implying an
34 ability to influence improperly a government agency or official or to achieve
35 results by means that violate the Rules of Professional Conduct or other law.

36 [4a] The Utah Rule is different from the ABA Model Rule. Subsections (b)
37 and (c) are added to the Rule to give further guidance as to which
38 communications are false or misleading.