

Rule 7.2. Advertising.

1 (a) Subject to the requirements of Rules 7.1 and 7.3, a licensed paralegal practitioner may
2 advertise services through written recorded or electronic communication, including public media.

3 (b) If the advertisement uses any actors to portray a licensed paralegal practitioner, members
4 of the firm, or clients or utilizes depictions of fictionalized events or scenes, the same must be
5 disclosed.

6 (c) All advertisements disseminated pursuant to these Rules shall include the name and office
7 address of at least one licensed paralegal practitioner or law firm responsible for their content.

8 (d) Reserved.

9 (e) A licensed paralegal practitioner who advertises a specific fee or range of fees shall
10 include all relevant charges and fees, and the duration such fees are in effect.

11 (f) A licensed paralegal practitioner shall not give anything of value to a person for
12 recommending the licensed paralegal practitioner's services, except that a licensed paralegal
13 practitioner may pay the reasonable cost of advertising permitted by these Rules and may pay the
14 usual charges of a legal referral service or other legal service plan.

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16 Comment

17 [1] To assist the public in learning about and obtaining legal services, licensed paralegal
18 practitioners should be allowed to make known their services not only through reputation but
19 also through organized information campaigns in the form of advertising. Advertising involves
20 an active quest for clients, contrary to the tradition that a licensed paralegal practitioner should
21 not seek clientele. However, the public's need to know about legal services can be fulfilled in
22 part through advertising. This need is particularly acute in the case of persons of moderate means
23 who have not made extensive use of legal services. The interest in expanding public information
24 about legal services ought to prevail over considerations of tradition. Nevertheless, advertising
25 by licensed paralegal practitioners entails the risk of practices that are misleading or
26 overreaching.

27 [2] This Rule permits public dissemination of information concerning a licensed paralegal
28 practitioner's name or firm name, address, email address, website and telephone number; the
29 kinds of services the licensed paralegal practitioner will undertake; the basis on which the
30 licensed paralegal practitioner's fees are determined, including prices for specific services and

31 payment and credit arrangements; a licensed paralegal practitioner's foreign language ability;
32 names of references and, with their consent, names of clients regularly represented; and other
33 information that might invite the attention of those seeking legal assistance.

34 [3] Questions of effectiveness and taste in advertising are matters of speculation and
35 subjective judgment. Some jurisdictions have had extensive prohibitions against television and
36 other forms of advertising, against advertising going beyond specified facts about a licensed
37 paralegal practitioner or against "undignified" advertising. Television, the Internet and other
38 forms of electronic communication are now among the most powerful media for getting
39 information to the public, particularly persons of low and moderate income; prohibiting
40 television, Internet, and other forms of electronic advertising, therefore, would impede the flow
41 of information about legal services to many sectors of the public. Limiting the information that
42 may be advertised has a similar effect and assumes that the Bar can accurately forecast the kind
43 of information that the public would regard as relevant. But see Rule 7.3 of the Licensed
44 Paralegal Practitioner Rules of Professional Conduct for the prohibition against a solicitation
45 through a real-time electronic exchange initiated by the licensed paralegal practitioner.

46 [4] Neither this Rule nor Rule 7.3 of the Licensed Paralegal Practitioner Rules of
47 Professional Conduct prohibits communications authorized by law, such as notice to members of
48 a class in class action litigation.

49 Paying Others to Recommend a Licensed Paralegal Practitioner

50 [5] Except as permitted by paragraph (f), licensed paralegal practitioners are not permitted to
51 pay others for recommending the licensed paralegal practitioner's services or for channeling
52 professional work in a manner that violates Rule 7.3 of the Licensed Paralegal Practitioner Rules
53 of Professional Conduct. A communication contains a recommendation if it endorses or vouches
54 for a licensed paralegal practitioner's credentials, abilities, competence, character, or other
55 professional qualities. Paragraph (f), however, allows a licensed paralegal practitioner to pay for
56 advertising and communications permitted by this rule, including the costs of print directory
57 listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name
58 registrations, sponsorship fees, Internet-based advertisements and group advertising. A licensed
59 paralegal practitioner may compensate employees, agents and vendors who are engaged to
60 provide marketing or client-development services, such as publicists, public-relations personnel,
61 business-development staff and website designers. Moreover, a licensed paralegal practitioner

62 may pay others for generating client leads, such as Internet-based client leads, as long as the lead
63 generator does not recommend the licensed paralegal practitioner, and any payment to the lead
64 generator is consistent with the licensed paralegal practitioner's obligations under these rules. To
65 comply with Rule 7.1 of the Licensed Paralegal Practitioner Rules of Professional Conduct, a
66 licensed paralegal practitioner must not pay a lead generator that states, implies, or creates a
67 reasonable impression that it is recommending the licensed paralegal practitioner is making the
68 referral without payment from the licensed paralegal practitioner, or has analyzed a person's
69 legal problems when determining which lawyer should receive the referral. See Rule 5.3 of the
70 Licensed Paralegal Practitioner Rules of Professional Conduct (duties of licensed paralegal
71 practitioners and law firms with respect to the conduct of non-lawyers and non-licensed
72 paralegal practitioners); Rule 8.4(a) of the Licensed Paralegal Practitioner Rules of Professional
73 Conduct (duty to avoid violating the Rules through the acts of another).

74 [6] A licensed paralegal practitioner may pay the usual charges of a legal service plan or a
75 referral service. A legal service plan is a prepaid or group legal service plan or a similar delivery
76 system that assists prospective clients to secure legal representation. A licensed paralegal
77 practitioner referral service, on the other hand, is an organization that holds itself out to the
78 public to provide referrals to licensed paralegal practitioners with appropriate experience in the
79 subject matter of the representation. No fee generating referral may be made to any licensed
80 paralegal practitioner or firm that has an ownership interest in, or who operates or is employed
81 by, the licensed paralegal practitioner referral service, or who is associated with a firm that has
82 an ownership interest in, or operates or is employed by, the licensed paralegal practitioner
83 referral service.

84 [7] A licensed paralegal practitioner who accepts assignments or referral from a legal service
85 plan or referrals from a licensed paralegal practitioner referral service must act reasonably to
86 assure that the activities of the plan or service are compatible with the licensed paralegal
87 practitioner's professional obligations. See Rule 5.3 of the Licensed Paralegal Practitioner Rules
88 of Professional Conduct. Legal service plans and licensed paralegal practitioner referral services
89 may communicate with the public, but such communication must be in conformity with these
90 Rules. Thus, advertising must not be false or misleading, as would be the case if the
91 communications of a group advertising program or a group legal services plan would mislead the
92 public to think that it was a licensed paralegal practitioner referral service sponsored by a state

93 agency or bar association. Nor could the licensed paralegal practitioner allow in-person,
94 telephonic, or real-time contacts that would violate Rule 7.3.

95 [8] For the disciplinary authority and choice of law provisions applicable to advertising, see
96 Rule 8.5 of the Licensed Paralegal Practitioner Rules of Professional Conduct.

97 [8a] Reserved.

Effective November 1, 2018