

1 **Rule 7.2. Advertising.**

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

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

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

11 (d) Reserved.

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

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

18

19 **Comment**

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

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

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

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

51 [4] Neither this Rule nor Rule 7.3 of the Licensed Paralegal Practitioner Rules of
52 Professional Conduct prohibits communications authorized by law, ~~such as notice to~~
53 ~~members of a class in class action litigation.~~

54 Paying Others to Recommend a Licensed Paralegal Practitioner

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

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

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

92 [7] A licensed paralegal practitioner who accepts assignments or referral from a legal
93 service plan or referrals from a licensed paralegal practitioner referral service must act
94 reasonably to assure that the activities of the plan or service are compatible with the
95 licensed paralegal practitioner's professional obligations. See Rule 5.3 of the Licensed
96 Paralegal Practitioner Rules of Professional Conduct. Legal service plans and licensed
97 paralegal practitioner referral services may communicate with the public, but such
98 communication must be in conformity with these Rules. Thus, advertising must not be false
99 or misleading, as would be the case if the communications of a group advertising program
100 or a group legal services plan would mislead the public to think that it was a licensed
101 paralegal practitioner referral service sponsored by a state agency or bar association. Nor
102 could the licensed paralegal practitioner allow in-person, telephonic, or real-time contacts

103 that would violate Rule 7.3.

104 [8] For the disciplinary authority and choice of law provisions applicable to advertising, see
105 Rule 8.5 of the Licensed Paralegal Practitioner Rules of Professional Conduct.

106 [8a] Reserved.

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