

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #07-00193-A Firm Description & Resumes of Attorneys

Pursuant to Practice Book §2-28B, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, reviewed a request for an advisory opinion filed on June 28, 2007. The proposed advertisement consists of a one page description of the law firm and resumes for the six attorneys that are members of the firm. This proposed print advertisement will be handed and mailed to prospective clients. This reviewing committee concludes that portions of the advertisement do not comply with the Rules of Professional Conduct.

The following highlighted phrases used in the advertisement violate Rule 7.4 of the Rules of Professional Conduct because they imply that the lawyer or law firm is a specialist in a particular field of law:

- (1) “Yamin & Grant maintains a growing general practice with a **particular emphasis on** the litigation of unique and complex matters” (firm description, line 1).
- (2) “Attorney Grant’s practice **focuses on** the litigation of complex civil disputes in state and federal courts.” (Eric M. Grant resume, line 1).
- (3) “Attorney Yamin enjoys a diverse practice, including representation of business and individual clients with a **particular emphasis on** construction and commercial litigation.” (Joseph P. Yamin resume, line 1).
- (4) “Attorney Moward maintains a diverse trial practice representing individuals and

corporate clients in all forms of litigation with an **emphasis in** criminal, family and personal injury law.” (George G. Moward, II resume, line 1).

(5) “Attorney Scozzafava’s practice **focuses on** civil litigation in state and federal courts.” (Melissa A. Scozzafava resume, line 1).

By removing these phrases and simply listing the fields of law the lawyer practices in, the advertisement will comply with Rule 7.4.

We further conclude that the following statements violate Rule 7.1 of the Rules of Professional Conduct because they constitute a misleading communication about the lawyer’s services:

(1) Attorney Moward’s resume states that “[h]e has recently obtained reductions in the fair market values of his client’s properties in the tens of millions of dollars resulting in substantial tax refunds and reductions in tax liability.”

The comment to Rule 7.1 states the following:

[a]n advertisement that truthfully reports a lawyer’s achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each clients’ case... The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead a prospective client.

This statement in Attorney Moward's resume creates an unjustified expectation that the same results could be obtained for other clients. Since this statement does not include an appropriate disclaimer or qualifying language, we find that it is misleading under Rule 7.1.

Assuming the statement is truthful and the lawyer can factually substantiate the claim, the inclusion of a disclaimer or qualifying language would cure this rule violation.

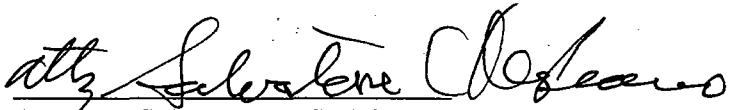
(2) Attorney Breg's resume states that "Attorney Breg's broad experience **uniquely** qualifies him to provide sound legal and practical advice to the firm's clients." We find this statement to be misleading because there is no reasonable factual foundation to substantiate the claim that attorney Breg's broad experience "uniquely" qualifies him to provide sound legal and practical advice to his clients. Furthermore, this statement creates an unjustified expectation about the results the lawyer can achieve. Removal of the word "uniquely" from this statement would bring the statement in compliance with Rule 7.1.

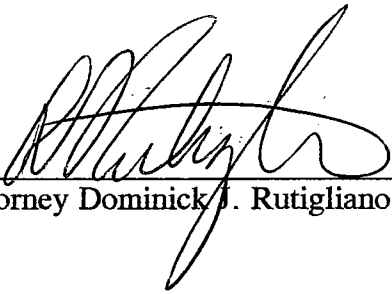
Lastly, Attorney Yamin's resume states that "[h]e has worked closely with the City's various boards and municipal officials." We conclude that this statement creates an unjustified expectation under Rule 7.1 about the results the lawyer can achieve and also violates Rule 8.4(5) of the Rules of Professional Conduct because it implies an ability to influence these government agencies and officials. It is permissible, however, to recite a lawyer's professional experience by indicating what boards the lawyer has served on.

Accordingly, this reviewing committee opines that the foregoing portions of the advertisement do not comply with the Rules of Professional Conduct.

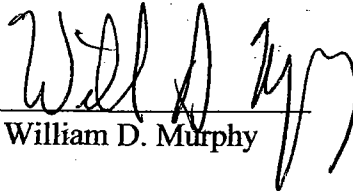
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DECISION DATE: 7/26/07


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