

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #10-01407-A Foreign Language Brochure

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 February 16, 2010. The proposed advertisement is a brochure in a foreign language that initially will be distributed to passengers on a bus service. The requesting attorney indicated the brochure may also be distributed at other events and at the attorney's office. The attorney does not know if the bus passengers are in need of legal services. The brochure will not be handed out on the bus, but instead will be made available to the passengers in a convenient location, perhaps a designated pocket holder. The reviewing committee concluded that the advertisement complies with the Rules of Professional Conduct. Only Connecticut's advertising rules were considered in this opinion. If the bus service is interstate, then pursuant to Rule 8.5 of the Rules of Professional Conduct, the attorney should also comply with any out-of-state legal advertisement requirements as well as restrictions on the unauthorized practice of law. This opinion does not consider these multi-jurisdictional questions.

The proposed advertisement is a tri-fold color brochure. The majority of the brochure's content is in a foreign language. On the front and back pages of the brochure, information in English is provided consisting of the name of the law firm, two office addresses with accompanying map diagrams, telephone numbers and the firm's two website addresses. The

remainder of the brochure consists of information about the attorney who is also announcing the opening of a second law office location. The subsequent paragraphs in the brochure detail the requesting attorney's education, foreign language capability, cultural knowledge and foreign work experience. The foreign and English language website information is listed, as well as the attorney's published articles in international journals and his speaking engagements at various trade organizations. The websites were not reviewed as part of this advisory opinion request.

The next sections of the brochure describe the benefits the law firm offers to clients, such as a paralegal who speaks the same foreign language, convenient office locations, and the fact that the attorney practices in state and federal court and in administrative proceedings. There is a paragraph explaining the attorney's philosophy of client advocacy. The brochure concludes with several sections that list the firm's practice areas and specific services offered.

The proposed advertisement complies with Rule 7.2(d) of the Rules of Professional Conduct by listing the name of at least one attorney admitted in Connecticut responsible for its content. Pursuant to Rule 7.2(i) of the Rules of Professional Conduct, the above referenced information which references the firm's name, address, phone numbers and website information is presumed not to violate the provisions of Rule 7.1 of the Rules of Professional Conduct, and therefore is not false or misleading. The listing of the attorney's areas of practice and related services contains no characterizations that the attorney is a specialist or expert in those areas, which would violate Rules 7.1, 7.4 and 7.4A of the Rules of Professional Conduct.

Rule 7.3 of the Rules of Professional Conduct regulates communications with prospective clients and provides the parameters of that contact. Subsections (b) and (c) of Rule 7.3 regulate

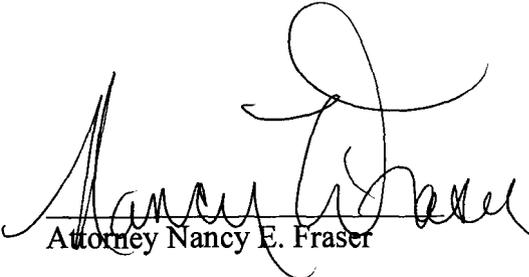
written communications for the purpose of obtaining professional employment. The numbered subsections of Rule 7.3(b) distinguish between several types of written (and electronic) communications, specifically those concerning personal injury or wrongful death cases, persons already represented by counsel in a specific matter or who are unfit or unwilling to receive such communications. This opinion assumes those fact patterns are not applicable to the proposed advertisement since nothing in the requesting attorney's submission indicates those circumstances. Subsection (c) of Rule 7.3 concerning communications to prospective clients also is not applicable, because the requesting attorney indicates that the prospective clients are not known to be in need of legal services in any particular matter. The brochure is designed for potential clients based on a specific language need rather than any known need for legal services. For more information on Rule 7.3 please see Advisory Opinions #08-04988-A and #09-04627-A available at http://www.jud.ct.gov/sgc/Adv_opinions/default.htm.

Practice Book §2-28A(b)(6) exempts from the mandatory filing rules communications "requested by a prospective client." The proposed advertisement does not need to be filed with the Statewide Grievance Committee as long as it is utilized as described by the requesting attorney and made available to the passengers on the bus upon their request. In the future if the brochure is utilized in a different fashion, such as being handed out unsolicited, the attorney would need to comply with the mandatory filing requirements.

Accordingly, this reviewing committee opines that the proposed advertisement complies with the Rules of Professional Conduct.

(E)

ISSUE DATE: March 12, 2010



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