

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #09-04941-A Firm Tag Line Advertising Phrase

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 August 26, 2009. The proposed advertisement is a "tag line" or phrase that the law firm intends to use in various types of advertising material, including on the firm's website and other marketing material. The reviewing committee concluded that the proposed advertisement complies with the Rules of Professional Conduct.

The proposed phrase to be used by the firm in various advertising is "**Pulling Together. Succeeding Together.**" Since this phrase will be used in various forms of undetermined future advertising material, the proposed phrase on its own does not contain the name of an attorney admitted in Connecticut responsible for its content as required by Rule 7.2(d) of the Rules of Professional Conduct. This opinion assumes that the proposed phrase, when placed in the context of actual advertising material, will comply with that requirement when disseminated.

Attorney advertising is subject to the requirements of Rule 7.1 of the Rules of Professional Conduct. Rule 7.1 provides:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

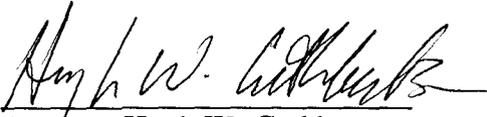
The commentary to Rule 7.1 elaborates on the types of statements that are potentially misleading. These include the recitation of past results obtained by an attorney for previous clients that may result in "unjustified expectations" of success in potential clients. Also, statements about a lawyer's services that "lead a reasonable person to formulate specific conclusions" about those services must contain a "reasonable factual foundation." (See commentary to Rule 7.1).

By using the phrase "succeeding together" the firm alludes to the services it provides. However the statement is general in nature and sufficiently ambiguous, as to whether it is a goal or a promise of services delivered, that it does not implicate the issues explored in the commentary to Rule 7.1. The phrase does not reference past successes, nor is it specific enough to require a factual foundation or a disclaimer to avoid the creation of unjustified expectations as discussed in the commentary to Rule 7.1.

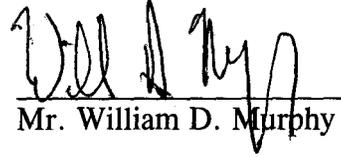
Accordingly, this reviewing committee opines that the advertisement complies with the Rules of Professional Conduct.

(E)

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