

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #09-06834-A Advertisement on Electronic Billboard

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 December 9, 2009. The proposed advertisement will be displayed on an electronic billboard in Hartford. The advertisement will consist of five electronic billboards which will rotate in a set rotation. The five billboards have similar content, but will display a different graphic and accompanying question for each billboard. The series of five billboards will appear approximately every five minutes in rotation on the electronic billboard, along with advertising by other parties. The reviewing committee concluded that the advertisement does not comply with the Rules of Professional Conduct.

Each of the five versions of the billboards of the proposed advertisement contains a statement or question illustrated by a graphic, which will vary in the rotation. The theme of the questions and graphic is financial difficulties. For example, one billboard poses the question **"Ready for a Fresh Start? Willing to give up your Credit Cards? BANKRUPTCY MAY BE THE ANSWER."** The accompanying picture shows a credit card being cut with a scissors. Pursuant to Rule 7.1, nothing in the graphics or questions submitted in the proposed advertisement is misleading.

Each billboard contains the phone number of the firm on the lower right side, the name of

the firm, which is a trade name for bankruptcy law and the firm's website address on the lower left side. Underneath the website address, in a smaller font size, is the statement: "We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code." Pursuant to Rule 7.2(i) of the Rules of Professional Conduct, the telephone and website address provided in the proposed advertisement is information presumed not to violate the provisions of Rule 7.1 of the Rules of Professional Conduct and therefore is not false or misleading. Although this advertisement displays the firm's website address, the website itself was not reviewed in connection with this advisory opinion request.

Rule 7.5 of the Rules of Professional Conduct permits the use of trade names by law firms, unless the name is misleading and violates Rule 7.1. Rule 7.4 permits attorneys to communicate the field(s) of law in which they practice, providing they do not imply specialization or expertise in the practice area(s). (See CBA Informal Opinion 89-15, issued May 26, 1989, and Informal Opinion 92-18, issued July 22, 1992) The trade name of the firm in the proposed advertisement states the type of law that the firm practices, namely bankruptcy law, and does not violate either Rule 7.1 or Rule 7.4. (See CBA Informal Opinion 93-20, issued July 30, 1993)

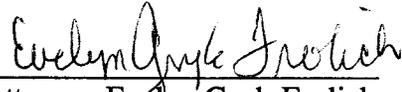
The statement in the proposed advertisement which provides that the firm is a "debt relief agency" is mandated in the Bankruptcy Code pursuant to § 528(a)(4) of the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA"). This reviewing committee's authority does not extend to issuing an advisory opinion on the requirements of BAPCPA. We note that § 528(a)(4) of BAPCPA provides that such language be displayed "clearly and conspicuously."

Rule 7.2(d) requires that attorney advertising contain "the name of at least one lawyer admitted in Connecticut responsible for its content." The proposed advertisement does not comply with Rule 7.2(d) because it does not contain the name of an attorney admitted in Connecticut, only the name of the law firm. Accordingly, this reviewing committee opines that the advertisement does not comply with the Rules of Professional Conduct.

(E)

ISSUE DATE: December 17, 2009


Attorney Shari Bornstein


Attorney Evelyn Gryk Frolich

A handwritten signature in black ink, appearing to read "Romeo Vidone". The signature is written in a cursive style with a long, sweeping tail.

Dr. Romeo Vidone