

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #08-04967-A Brochure Advertisement by Law Firm and NonLaw Firm

Pursuant to Practice Book §2-28B, the undersigned, duly-appointed reviewing committee¹ of the Statewide Grievance Committee, reviewed a request for an advisory opinion filed on September 19, 2008. The proposed advertisement is a print brochure issued by a law firm and a professional government relations firm jointly advertising their services. The governmental relations firm is not a law firm. This same brochure was the subject of Advisory Opinion #08-01271-A, available at http://www.jud.ct.gov/sgc/Adv_opinions/default.htm. The requesting attorney indicated that the brochure has been updated as requested in our previous opinion.

The proposed advertisement will be sent to prospective clients but will not be delivered to prospective clients known to be in need of legal services in a particular matter. The color brochure will be either hand delivered or sent by sporadic mail delivery to the prospective clients. The requesting attorney lists an initial printing of 500 copies and estimates delivering 3-5 copies a week to potential clients until the supply is exhausted. The reviewing committee concluded that the advertisement complies with the Rules of Professional Conduct.

The proposed advertisement is essentially the same advertisement that is detailed in Advisory Opinion #08-01271-A. In Advisory Opinion #08-01271-A, the reviewing committee concluded that the proposed advertisement did not comply with a portion of Rule 7.3 and with

¹ Reviewing committee member John C. Matulis recused himself from consideration of this matter. The advisory opinion was issued by a quorum of this reviewing committee consisting of Nancy E. Fraser and Dr. Romeo Vidone.

Rule 7.1. See Advisory Opinion #08-01271-A.

In Advisory Opinion #08-01271-A, the reviewing committee found that the proposed advertisement violated Rule 7.3(c) of the Rules of Professional Conduct because it lacked the advertising labeling required if the brochure were sent to clients known to be in need of legal services in a particular matter. Since the requesting attorney has indicated that the proposed revised brochure will not be sent or given to such prospective clients, it does not need to be labeled as advertising material as required by Rule 7.3(c). The proposed revised brochure complies with Rule 7.3 of the Rules of Professional Conduct.

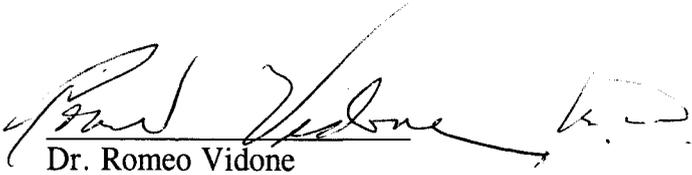
In Advisory Opinion #08-01271-A, the reviewing committee also found the proposed advertisement to violate Rule 7.1 because it listed a number of successes achieved by both the government relations firm and the law firm. As the commentary to Rule 7.1 provides, such advertising of a lawyer's achievements on behalf of clients or former clients has the potential to create unjustified expectations in prospective clients, who might believe the same successes could be achieved for them, despite different circumstances or legal issues.

The commentary to Rule 7.1 provides that an appropriate disclaimer or qualifying language can prevent such statements from misleading a potential client or creating such unjustified expectations. The revised proposed brochure contains the following language which has been added at the bottom of the page that details the firm's previous successes: "The legal developments or accomplishments described in these materials should not be assumed an indication of future results." This reviewing committee concludes that this disclaimer is appropriate and brings the proposed revised advertisement into compliance with Rule 7.1.

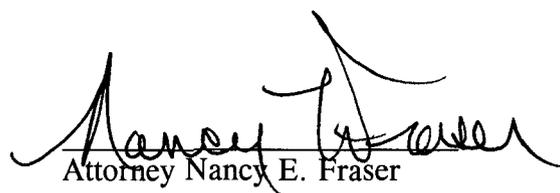
Accordingly, this reviewing committee opines that the proposed advertisement, as revised since the issuance of Advisory Opinion #08-01271-A, complies with the Rules of Professional Conduct.

(E)

ISSUE DATE: October 14, 2008



Dr. Romeo Vidone



Attorney Nancy E. Fraser