

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #13-04157-A Advertisement Soliciting Clients Injured by Medical Device

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 3, 2013. The proposed print advertisement solicits clients injured by defective medical devices made by several manufacturers. The advertisement will be placed in numerous local newspapers throughout the state once a week for a period of three weeks. The reviewing committee concludes that the advertisement complies with the Rules of Professional Conduct.

On November 23, 2011, a substantially similar advertisement, submitted by the same attorney, was the subject of Advisory Opinion #11-07108-A available at http://www.jud.ct.gov/sgc/Adv_opinions/default.htm. The requesting attorney provided additional information regarding the proposed advertisement to address concerns the reviewing committee had regarding the 2011 version of the advertisement. The attorney states that no other law firm will be referred cases or share costs arising from the proposed advertisement.

The proposed print advertisement provides the following information: in large print at the top is the phrase "Hip & Knee Implant Recall"; underneath is a sentence soliciting contact for a free consultation to determine the viability of a claim against four named corporations; and below in bold print is the name of the attorney who submitted the proposed advertisement and a telephone number. The last sentence in small print states: "No representation is made that the

quality of legal services to be performed is greater than the quality of legal services provided by other lawyers.”

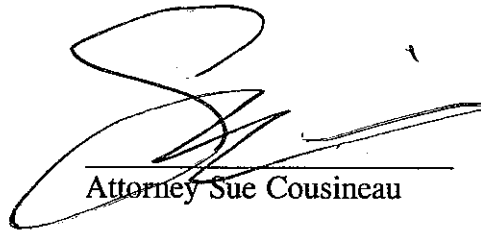
The proposed advertisement contains the name of the attorney who submitted the advertisement for an advisory opinion and is therefore in compliance with Rule 7.2(d) of the Rules of Professional Conduct, because it provides the name of at least one attorney admitted in Connecticut who is responsible for its content.

Attorney advertising is subject to the requirements of Rule 7.1 of the Rules of Professional Conduct and cannot be misleading. The proposed advertisement does not contain any assertions or representations as to quality that violate Rule 7.1 or that require the disclaimer language that is found in the last sentence. Since the requesting attorney indicates that her firm is not referring cases that develop from the advertisement to other firms and is entirely paying the costs to advertise, there is no need for disclosures pursuant to Rule 7.2(h) of the Rules of Professional Conduct.

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

(E)

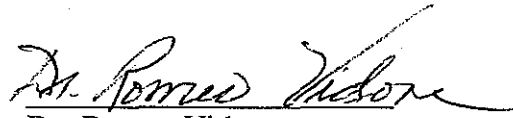
ISSUE DATE: June 18, 2013



Attorney Sue Cousineau

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Atty. Thomas Sansone
Attorney Thomas Sansone


Dr. Romeo Vidone