

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #15-06382-A Television Advertisement Bankruptcy Services Rule 7.2(d)

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 September 22, 2015. The proposed advertisement is a thirty second television commercial scheduled to be broadcast on several networks for two to five weeks. This reviewing committee concludes that the proposed television advertisement does not comply with the Rules of Professional Conduct.

The proposed television advertisement, which advertises the bankruptcy services of the requesting attorney's law firm, was submitted in the form of a DVD. The commercial begins with pictures of people looking distressed accompanied by the graphic, "Facing Bankruptcy or Foreclosure." The phrase, "Discover how you may be able to file bankruptcy and still save your house," is then displayed. This is followed by a screen showing the name of the law firm, a phone number and website address. The law firm information shrinks to the bottom of the screen and remains visible there until the conclusion of the advertisement. Audio spoken over a sequence of pictures of various people invites the viewer to contact the law firm. The spokesperson asserts that the firm has four decades of experience in bankruptcy process and can provide the "legal assistance, compassion and understanding you need." The speaker offers that the firm has helped families since 1974 and states, "Our job is to get the best results

for you and your family.”

The commercial concludes in the last five seconds by restoring the law firm information to full screen, with the addition of a street address along with the phone number and web address. The phrases, “Bankruptcy Assistance” and “Foreclosure Assistance” are shown along with graphics that provide, “Call for a free consult.” The spokesperson also recites the free consultation offer and the firm phone number.

Although this advertisement displays the firm's website address, the website itself was not reviewed in connection with this advisory opinion request. Pursuant to Rule 7.2(i) of the Rules of Professional Conduct, the above referenced information consisting of the law firm name, phone number, address and website URL is presumed not to violate the provisions of Rule 7.1 of the Rules of Professional Conduct and therefore is not false or misleading.

Attorney advertising is subject to the requirements of Rule 7.1 which 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.

None of the information in the proposed advertisement is misleading pursuant to Rule 7.1. The various statements about the firm's bankruptcy experience and services are general in nature and do not impermissibly promise certain results or superior service.

The proposed advertisement does not comply with Rule 7.2(d) of the Rules of Professional Conduct which provides:

Any advertisement or communication made pursuant to this rule shall include the name of at least one lawyer admitted in Connecticut responsible for its content. In the case of television advertisements, the name, address and telephone number of the lawyer admitted in Connecticut shall be displayed in bold print for **fifteen seconds or the duration of the commercial, whichever is less**, and shall be prominent enough to be readable. (Emphasis added)

The proposed advertisement is thirty seconds long and does not comply with Rule

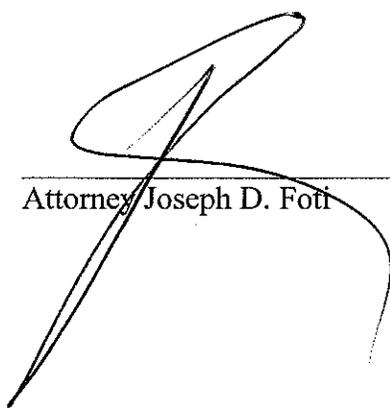
7.2(d) because the name of an attorney responsible for the advertisement is not displayed; only the name of the law firm is provided. The address of the law firm appears only during the last five seconds of the proposed advertisement and so does not comply with the requirements of Rule 7.2(d). Accordingly, this reviewing committee opines that the proposed advertisement does not comply with the Rules of Professional Conduct.

ISSUE DATE: October 15, 2015

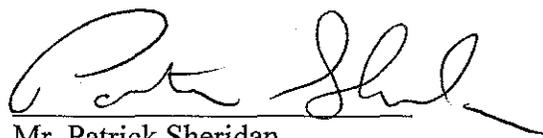
(E)



Attorney J. Kevin Golger



Attorney Joseph D. Foti

A handwritten signature in black ink, appearing to read "Patrick Sheridan". The signature is written in a cursive style with a horizontal line underneath the name.

Mr. Patrick Sheridan