

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #07-02500-A Print Advertisement Joint Advertisement by Three Law Firms

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 November 23, 2007. Pursuant to Practice Book §2-28B(d), the committee requested additional information on November 28, 2007. The attorney complied on January 8, 2008. The proposed print advertisement will appear monthly in the Hartford Courant, the Connecticut Post, the West Indian Newspaper, The Hartford News, The North End and other ethnic newspapers. The reviewing committee concluded that the advertisement does not comply with the Rules of Professional Conduct.

The proposed advertisement is a joint one for three firms and provides the following information: the names of the three law firms, the areas of practice and phone numbers for each firm and a list of jurisdictions to which each attorney is admitted. The name of each law firm is "The Law Offices of [the name of an individual attorney]" typed in bold print. Each law office's information is contained in its own section of the advertisement. Pursuant to Rule 7.2(i) of the Rules of Professional Conduct, all of this information is presumed not to violate the provisions of Rule 7.1 of the Rules of Professional Conduct and therefore is not false or misleading. Furthermore, the fields of law listed in the advertisement also comply with Rule 7.4 of the Rules

of Professional Conduct because there is no other language stating or implying that the lawyer or law firm is a specialist in these areas of law.

The requester of the advisory opinion indicated that the three firms share a common space called the "The Law Center" and share overhead expenses such as utilities and internet service. At the top of page above the firms' information, the question: "HAVE A LEGAL PROBLEM? COME TO THE LAW CENTER" appears. A street address is given and a suite number. Underneath is the sentence: "INITIAL CONSULTATION IS FREE." At the bottom of the page, beneath the firms' information is a sentence indicating the law firms are staffed with attorneys of different ethnic or cultural backgrounds who communicate in several listed languages.

In response to the request for additional information, the attorney provided the following additional facts. The name "The Law Center" is the name of the physical location shared by the three firms and not a trade name. No other law firms are located at that physical location. There is no agreement to share or split fees, but there is an arrangement for referral fees but not a written agreement between the three law firms.

Rule 7.5 of the Rules of Professional Conduct regulates the use of firm names and letterheads and provides that a lawyer "shall not use a firm name, letterhead or other professional designation that violates Rule 7.1." Rule 7.1 provides that a lawyer "shall not make a false or misleading communication about the lawyer or the lawyer's services." Rule 7.5 (d) provides that "[l]awyers may state or imply that they practice in a partnership or other organization only when that is the fact." The Commentary to Rule 7.5 states "[w]ith regard to subsection (d), lawyers sharing office facilities, but who are not in fact partners, may not denominate themselves, for

example, “Smith and Jones,” for that title suggests partnership in the practice of law.”

The proposed advertisement violates Rule 7.5 (d) and Rule 7.1 because it fails to make clear to the consumer that the law firms are not in partnership under the name “The Law Center.” The advertisement is divided into three separate sections, each containing the individual firm’s name, areas of practice, phone number and jurisdictions of admission, which would indicate three separate law firms. However, the top of the advertisement under which the law firms’ information is subsumed states “COME TO THE LAW CENTER.” It is not clear from the advertisement that this is the name for a physical address. The advertisement lists a street address with only one suite number. The name of each firm is the name of an individual attorney with “The Law Offices of” before each name. These factors create the potential for confusion in the consumer whether the advertisement is by three attorneys or three separate law firms for legal services. The failure to make clear the separate nature of each firm in this joint advertisement creates the implication that the lawyers are associated in some type of organization or partnership, namely “The Law Center”, contrary to Rule 7.5 (d). Qualifying language indicating the three attorneys are not a partnership or that their firms are not legally associated should be placed in the advertisement in relation to “The Law Center” to avoid creating confusion in the consumer.

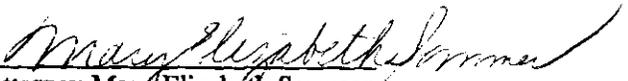
Accordingly, this reviewing committee opines that the advertisement does not comply with the Rules of Professional Conduct.

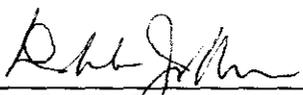
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