

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #11-03423-A Advertisement for Divorce Services Rule 7.2(f) Disclosure

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 May 19, 2011. The proposed advertisement will appear in newspapers, be displayed on-line and at several business locations. The reviewing committee concluded that the advertisement complies with the Rules of Professional Conduct.

The proposed advertisement is a print advertisement providing information about the firm's divorce services. The right side of the proposed advertisement consists of a photograph of two small children and the left side contains text explaining the firm's divorce services, particularly the availability of fixed rate pricing for many divorce proceedings. The name of the firm's attorney to contact for a consultation is contained in the text. The advertisement explains that a quote for fees will be provided to a client upon consultation and clients are responsible for court costs and expenses of litigation. The name of the firm is displayed along with the statement "The Largest Law Firm in eastern Connecticut." The firm's email and website address, street address, and phone number are provided. The requesting attorney indicates that the name of the attorney to call for a consultation will change on a rotating basis and that member of the firm will also be responsible for the advertisement.

The proposed advertisement complies with Rule 7.2(d) of the Rules of Professional

Conduct by listing the name of at least one attorney admitted in Connecticut responsible for its content. Pursuant to Rule 7.2(i) of the Rules of Professional Conduct, the above referenced information which references the firm's name, address, phone number, website and email 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.

Rule 7.1 regulates the content of attorney advertising and provides: "A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services." The proposed advertisement contains the assertion that the firm "is the largest law firm in eastern Connecticut." As stated in the commentary to Rule 7.1, statements made in attorney advertising must have a "reasonable factual foundation." This reviewing committee did not undertake a survey of Connecticut law firms, and this opinion assumes that the law firm makes the statement because it is factually true that they are the largest law firm in eastern Connecticut.

Rule 7.2(f) of the Rules of Professional Conduct provides:

Every advertisement and written communication that contains information about the lawyer's fee, including those indicating that the charging of a fee is contingent on outcome, or that no fee will be charged in absence of a recovery, or that the fee will be a percentage of the recovery, shall disclose whether and to what extent the client will be responsible for any court costs and expenses of litigation.

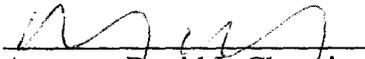
The proposed advertisement complies with Rule 7.2(f) because while it advertises the firm's fixed rate legal fees in divorce cases, it also discloses that clients are responsible for legal expenses and costs. For discussion of Rule 7.2(f) requirements also see Advisory Opinion #08-04895-A available at http://www.jud.ct.gov/sgc/Adv_opinions/default.htm.

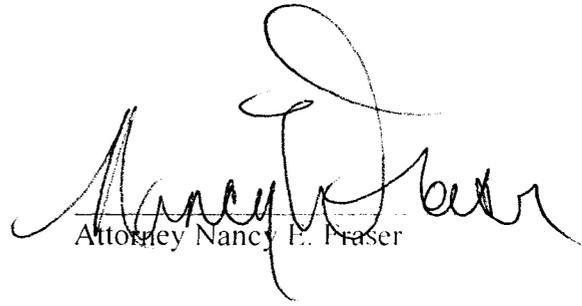
Accordingly, this reviewing committee opines that the advertisement complies with the Rules of Professional Conduct in Connecticut.

(E)

ISSUE DATE: June 6, 2011

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Attorney David I. Channing



Attorney Nancy E. Fraser

A handwritten signature in black ink, appearing to read "Patrick Sheridan", written over a horizontal line.

Mr. Patrick Sheridan