

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #17-07885-A Law Firm Telephone “On Hold” Message

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 14, 2017. The proposed advertisement is a printed script of the message played when a person is placed “on hold” in the law firm’s telephone system. The reviewing committee concluded that the advertisement does not comply with the Rules of Professional Conduct.

The proposed advertisement is a twelve paragraph script of an audio message that will be played for persons waiting on the law firm’s telephone system. The message provides information about the firm’s services, the attorneys’ experience and general philosophy of client service. Seven paragraphs are devoted to a different practice area with a brief description of the firm’s experience in each area. The areas of law discussed are business law, health care law, criminal law, personal injury law, family law, real estate and zoning law.

The “on hold” message concludes with basic information about the firm’s location, office hours and website address. The firm’s website was not reviewed as part of this advisory opinion.

Practice Book § 2-28A mandates the filing of certain types of attorney advertising with the Statewide Grievance Committee. There are several exceptions to the mandatory filing requirements. Practice Book § 2-28A(b) lists the types of advertisements and Rule 7.2(i) of the Rules of Professional Conduct lists the types of information that are exempt from the mandatory

filing requirements of Practice Book § 2-28A. Practice Book § 2-28A(b)(6) provides that the filing requirements of Practice Book § 2-28A(a) do not apply to a “communication that is requested by a prospective client.”

The proposed advertisement, by its nature as an “on hold” message, is played when a party telephones the law firm and proceeds to wait on the telephone line. Since the caller initiates the telephone call to the firm and agrees to stay on the line subsequently, the “on hold” message is a requested communication. The caller is free at any time to disconnect the phone call and not listen to the message. Accordingly pursuant to Practice Book § 2-28A(b)(6), the proposed advertisement does not need to be filed with the Statewide Grievance Committee.

Though it is not subject to the mandatory filing rules, the attorney has requested an advisory opinion regarding the proposed advertisement and whether the “on hold” message complies with the Rules of Professional Conduct.

Rule 7.2 sets forth the requirements for both attorney advertising and communications about an attorney’s services. Rule 7.2(d) provides that “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.” The proposed advertisement does not include the name of a responsible attorney but only mentions the name of the law firm so it does not comply with the requirement of Rule 7.2(d).

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.” Nothing in the substance of the “on hold” message violates Rule 7.1. It is permissible for the law firm to

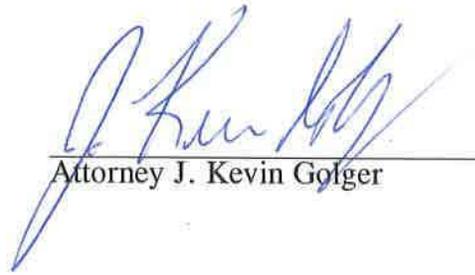
state an opinion about the importance of finding attorney representation in certain situations and to provide information about the attorneys' experience in those practice areas or situations.

Accordingly, this reviewing committee opines that the proposed communication does not comply with the Rules of Professional Conduct because the proposed message should contain a full attorney name pursuant to Rule 7.2(d) of the Rules of Professional Conduct.

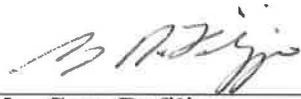
(E)

ISSUE DATE: November 30, 2017


Attorney Agustin Sevillano



Attorney J. Kevin Golger

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

Mr. Gary Defilippo