

	<p style="text-align: center;">American Bar Association CPR Policy Implementation Committee</p> <p style="text-align: center;">Variations of the ABA Model Rules of Professional Conduct</p> <p style="text-align: center;">Rule 7.1 Communications Concerning A Lawyer's Services</p> <p>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.</p> <p>Variations from ABA Model Rule are noted. Based on reports of state committees reviewing recent changes to the model rules. For information on individual state committee reports, see http://www.abanet.org/cpr/jclr/home.html.</p> <p>Comments not included.</p> <p>*Current links to state Rules of Professional conduct can be found on the ABA website: http://www.abanet.org/cpr/links.html*</p>
<p>AL Effective 2/19/09</p>	<p>Adds “or cause to be made” after “shall not make;” (a) is identical to the last part of the last sentence of MR (a); Adds (b): <i>(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;</i> Adds (c): <i>(c) compares the quality of the lawyer's services with the quality of other lawyers' services, except as provided in Rule 7.4; or;</i> Adds (d): <i>(d) communicated the certification of the lawyer by a certifying organization, except as provided in Rule 7.4;</i></p>
<p>AK Effective 4/15/09</p>	<p>Adds “or any prospective client's need for legal services” after “lawyer’s services;” (a) is the same as part of Model Rule, from “contains” to “misleading;” Adds: <i>(b) is likely to create a reasonable but unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;</i> <i>or</i> <i>(c) compares the lawyer's services with other lawyers’ services, unless the comparison can be factually substantiated.</i></p>
<p>AZ Effective 12/1/03</p>	<p>Same as MR</p>
<p>AR</p>	<p>Material after “if it” moved to paragraph (a).</p>

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Effective 5/1/05	Adds: <u>(b) is likely to create an unjustified expectation about the results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the rules of professional conduct or other law;</u> <u>(c) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated; or</u> <u>(d) contains a testimonial or endorsement.</u>
CA Current Rule	[California's Rules of Professional Conduct are structured differently from the ABA Model Rules. Please see California Rules : http://calbar.ca.gov/calbar/pdfs/rules/Rules_Professional-Conduct.pdf]
CO Effective 1/1/08	(a) and (a)(1) combined are the same as MR; Adds: <i>(a)(2) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated; or</i> <i>(a)(3) is likely to create an unjustified expectation about results the lawyer can achieve;</i> <i>(b) No lawyer shall, directly or indirectly, pay all or a part of the cost of communications concerning a lawyer's services by a lawyer not in the same firm unless the communication discloses the name and address of the non-advertising lawyer, the relationship between the advertising lawyer and the non-advertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the non-advertising lawyer.</i> <i>(c) Unsolicited communications concerning a lawyer's services mailed to prospective clients shall be sent only by regular U.S. mail, not by registered mail or other forms of restricted delivery, and shall not resemble legal pleadings or other legal documents.</i> <i>(d) Any communication that states or implies the client does not have to pay a fee if there is no recovery shall also disclose that the client may be liable for costs. This provision does not apply to communications that only state that contingent or percentage fee arrangements are available, or that only state the initial consultation is free.</i> <i>(e) A lawyer shall not knowingly permit, encourage or assist in any way employees, agents or other persons to make communications on behalf of the lawyer or the law firm in violation of this Rule or Rules 7.2 through 7.4.</i> <i>(f) In connection with the sale of a private law practice under Rule 1.17, an opinion of the purchasing lawyer's suitability and competence to represent existing clients shall not violate this Rule if the lawyer complies with Rule 1.17(d).</i>
CT Effective 1/1/07	Same as MR
DE Effective 7/1/03	Same as MR
District of Columbia	(a): same as MR up to "if it" in second sentence (a)(1): contains rest of MR Adds rest of material:

<p>Effective 2/1/07</p>	<p>(2) Contains an assertion about the lawyer or the lawyer's services that cannot be substantiated.</p> <p>(b)(1) A lawyer shall not seek by in-person contact, employment (or employment of a partner or associate) by a nonlawyer who has not sought the lawyer's advice regarding employment of a lawyer, if:</p> <p>(A) The solicitation involves use of a statement or claim that is false or misleading, within the meaning of paragraph (a);</p> <p>(B) The solicitation involves the use of coercion, duress or harassment; or</p> <p>(C) The potential client is apparently in a physical or mental condition which would make it unlikely that the potential client could exercise reasonable, considered judgment as to the selection of a lawyer.</p> <p>(2) A lawyer shall not give anything of value to a person (other than the lawyer's partner or employee) for recommending the lawyer's services through in-person contact.</p> <p>(c) A lawyer shall not knowingly assist an organization that furnishes or pays for legal services to others to promote the use of the lawyer's services or those of the lawyer's partner or associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, as a private practitioner, if the promotional activity involves the use of coercion, duress, compulsion, intimidation, threats, or vexatious or harassing conduct.</p> <p>(d) No lawyer or any person acting on behalf of a lawyer shall solicit or invite or seek to solicit any person for purposes of representing that person for a fee paid by or on behalf of a client or under the Criminal Justice Act, D.C. Code Ann. §11-2601 (2001) <i>et seq.</i>, in any present or future case in the District of Columbia Courthouse, on the sidewalks on the north, south, and west sides of the courthouse, or within 50 feet of the building on the east side. (e) Any lawyer or person acting on behalf of a lawyer who solicits or invites or seeks to solicit any person incarcerated at the District of Columbia Jail, the Correctional Treatment Facility or any District of Columbia juvenile detention facility for the purpose of representing that person for a fee paid by or on behalf of that person or under the Criminal Justice Act, D.C. Code Ann. §11-2601 (2001) <i>et seq.</i>, in any then-pending criminal case in which that person is represented, must provide timely and adequate notice to the person's then-current lawyer prior to accepting any fee from or on behalf of the incarcerated person.</p>
<p>FL Effective 5/22/06</p>	<p>General</p> <p>(a) Permissible Forms of Advertising. Subject to all the requirements set forth in this subchapter 4-7, including the filing requirements of rule 4-7.7, a lawyer may advertise services through public media, including but not limited to: print media, such as a telephone directory, legal directory, newspaper or other periodical; outdoor advertising, such as billboards and other signs; radio, television, and computer-accessed communications; recorded messages the public may access by dialing a telephone number; and written communication in accordance with rule 4-7.4.</p> <p>(b) Advertisements Disseminated in Florida. Subchapter 4-7 shall apply to lawyers admitted to practice law in Florida who solicit or advertise for legal employment in Florida or who target solicitations or advertisements for legal employment at Florida residents.</p> <p>(c) Advertisements by Out-of-State Lawyers. Subchapter 4-7 shall apply to lawyers admitted to practice law in jurisdictions other than Florida:</p>

	<p>(1) who have established a regular and/or permanent presence in Florida for the practice of law as authorized by other law; and</p> <p>(2) who solicit or advertise for legal employment in Florida or who target solicitations or advertisements for legal employment at Florida residents.</p> <p>(d) Advertisements Not Disseminated in Florida. Subchapter 4-7 shall not apply to any advertisement broadcast or disseminated in another jurisdiction in which the advertising lawyer is admitted if such advertisement complies with the rules governing lawyer advertising in that jurisdiction and is not intended for broadcast or dissemination within the state of Florida.</p> <p>(e) Communications With Family Members. Subchapter 4-7 shall not apply to communications between a lawyer and that lawyer's own family members.</p> <p>(f) Communications at a Prospective Client's Request. Subchapter 4-7 shall not apply to communications between a lawyer and a prospective client if made at the request of that prospective client.</p> <p>(g) Application of General Misconduct Rule. The general rule prohibiting a lawyer from engaging in conduct involving dishonesty, deceit, or misrepresentation applies to all communications by a lawyer, whether or not subchapter 4-7 applies to that communication.</p>
<p>GA* Effective 1/1/01</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p><i>(a) A lawyer may advertise through all forms of public media and through written communication not involving personal contact so long as the communication is not false, fraudulent, deceptive or misleading. By way of illustration, but not limitation, a communication is false, fraudulent, deceptive or misleading if it:</i></p> <p><i>(1) contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading;</i></p> <p><i>(2) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Georgia Rules of Professional Conduct or other law;</i></p> <p><i>(3) compares the lawyer's services with other lawyers' services unless the comparison can be factually substantiated;</i></p> <p><i>(4) fails to include the name of at least one lawyer responsible for its content; or</i></p> <p><i>(5) contains any information regarding contingent fees, and fails to conspicuously present the following disclaimer:</i></p> <p><i>"Contingent attorneys' fees refers only to those fees charged by attorneys for their legal services. Such fees are not permitted in all types of cases. Court costs and other additional expenses of legal action usually must be paid by the client."</i></p> <p><i>(6) contains the language 'no fee unless you win or collect' or any similar phrase and fails to conspicuously present the following disclaimer:</i></p> <p><i>"No fee unless you win or collect" [or insert the similar language used in the communication] refers only to fees</i></p>

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	<p><i>charged by the attorney. Court costs and other additional expenses of legal action usually must be paid by the client. Contingent fees are not permitted in all types of cases.</i></p> <p><i>(b) A public communication for which a lawyer has given value must be identified as such unless it is apparent from the context that it is such a communication.</i></p> <p><i>(c) A lawyer retains ultimate responsibility to insure that all communications concerning the lawyer or the lawyer's services comply with the Georgia Rules of Professional Conduct.</i></p> <p><i>The maximum penalty for a violation of this Rule is disbarment.</i></p>
HI* Effective 1/1/94	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Text and paragraph (a) are the same as MR ;</p> <p>Adds :</p> <p><i>(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the rules of professional conduct or other law; or</i></p> <p><i>(c) compares the lawyer's services with other lawyer's services, unless the comparison can be factually substantiated.</i></p>
ID Effective 7/1/04	Did not adopt E2000 changes
IL Effective 1/1/2010	Same as MR
IN Effective 1/1/05	Reserved
IA Effective 7/1/05	adds as (b): A lawyer shall not communicate with the public using statements that are unverifiable. In addition, advertising permitted under these rules shall not rely on emotional appeal or contain any statement or claim relating to the quality of the lawyer's legal services.
KS Effective 7/1/07	Text and (a) are the same as MR; Adds: <i>(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the rules of professional conduct or other law; or</i> <i>(c) compares the lawyer's services with other lawyer's services, unless the comparison can be factually substantiated.</i>
KY Effective 7/15/09	Does not adopt
LA Effective 3/1/04	did not make changes to their rule, which differs extensively from MR and contains examples of communications that violate the rule. (a) A lawyer shall not make or permit to be made a false, misleading or deceptive

	<p>communication about the lawyer, the lawyer’s services or the services of the lawyer’s firm. For example, a communication violates this rule if it:</p> <ul style="list-style-type: none"> (i) Contains a material misrepresentation of fact or omits a fact necessary to make the communication, considered as a whole, not misleading; or (ii) Contains a statement or implication that the outcome of any particular legal matter was not or will not be related to its facts or merits; or (iii) Contains a statement or implication that the lawyer can influence unlawfully any court, tribunal or other public body or official; or (iv) In the case of a bankruptcy matter, fails to state clearly that the matter will involve a bankruptcy proceeding; or (v) Compares the lawyer’s or the law firm’s services with any other lawyer’s services, unless the comparison can be factually substantiated; or (vi) Contains an endorsement by a celebrity or public figure without disclosing that (A) the endorser is not a client of the lawyer or the firm, if such is the case, and (B) the endorser is being paid or otherwise compensated for his or her endorsement, if such is the case; or (vii) Contains a visual portrayal of a client by a nonclient or a lawyer by a nonlawyer without disclosure that the depiction is a dramatization; or (viii) Contains misleading fee information. Every communication that contains information about the lawyer’s fee shall be subject to the following requirements: <ul style="list-style-type: none"> (A) Communications that state or indicate that no fee will be charged in the absence of recovery shall disclose that the client will be liable for certain expenses in addition to the fee, if such is the case. (B) A lawyer who advertises a specific fee, hourly rate or range of fees for a particular service shall honor the advertised fee for at least ninety (90) days from the date it was last advertised; provided that for advertisements in print media published annually, the advertised fee shall be honored for a period not less than one year following initial publication. <p>(b) In determining whether a communication violates this rule, the communication shall be considered in its entirety including any qualifying statements or disclaimers contained therein.</p> <p>(c) A lawyer shall not accept a referral from any person, firm or entity whom the lawyer knows has engaged in any communication or solicitation relating to the referred matter that would violate these rules if the communication or solicitation were made by the lawyer.</p>
ME Effective 8/1/09	Same as MR
MD Effective 7/1/05	Same as MR
MA Rules effective 9/1/08	Same as MR
MI*	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i>

<p>Rules effective 10/1/88</p> <p>New Proposed 11/24/09</p>	<p><i>A lawyer may, on the lawyer's own behalf, on behalf of a partner or associate, or on behalf of any other lawyer affiliated with the lawyer or the lawyer's law firm, use or participate in the use of any form of public communication that is not false, fraudulent, misleading, or deceptive. A communication shall not:</i></p> <p style="padding-left: 40px;"><i>(a) contain a material misrepresentation of fact or law, or omit a fact necessary to make the statement considered as a whole not materially misleading;</i></p> <p style="padding-left: 40px;"><i>(b) be likely to create an unjustified expectation about results the lawyer can achieve, or state or imply that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or</i></p> <p style="padding-left: 40px;"><i>(c) compare the lawyers' services with other lawyers' services, unless the comparison can be factually substantiated.</i></p> <p>Same as 1988 Rule.</p>
<p>MN Effective 10/1/05</p>	<p>Same as MR</p>
<p>MS Effective 11/3/05</p>	<p>Retains former MR</p> <p>First paragraph: adds or "permit to be made" after "shall not make" and "deceptive or unfair" after "misleading;" replaces "is false or misleading" with "violates this rule"</p> <p>(b): replaces "is likely to create" with "creates," adds "false or misleading" after "unjustified"</p> <p>Adds (c): states or implies that the lawyer is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official; or</p> <p>(d): same as former MR (c)</p>
<p>MO Rule revised Effective 7/1/10</p>	<p>Deletes "or misleading;"</p> <p>Replaces language after "fact of law" with:</p> <p style="padding-left: 40px;"><i>A communication is misleading if it:</i></p> <p style="padding-left: 40px;"><i>(a) omits a fact as a result of which the statement considered as a whole is materially misleading;</i></p> <p style="padding-left: 40px;"><i>(b) is likely to create an unjustified expectation about results the lawyer can achieve;</i></p> <p style="padding-left: 40px;"><i>(c) proclaims results obtained on behalf of clients, such as the amount of a damage award or the lawyer's record in obtaining favorable verdicts or settlements, without stating that past results afford no guarantee of future results and that every case is different and must be judged on its own merits;</i></p> <p style="padding-left: 40px;"><i>(d) states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;</i></p>

	<p><i>(e) compares the quality of a lawyer's or a law firm's services with other lawyers' services, unless the comparison can be factually substantiated;</i></p> <p><i>(f) advertises for a specific type of case concerning which the lawyer has neither experience nor competence;</i></p> <p><i>(g) indicates an area of practice in which the lawyer routinely refers matters to other lawyers, without conspicuous identification of such fact;</i></p> <p><i>(h) contains any paid testimonial about or endorsement of the lawyer, without conspicuous identification of the fact that payment has been made for the testimonial or endorsement;</i></p> <p><i>(i) contains any simulated portrayal of a lawyer, client, victim, scene, or event without conspicuous identification of the fact that it is a simulation;</i></p> <p><i>(j) provides an office address for an office staffed only part-time or by appointment only, without conspicuous identification of such fact; or</i></p> <p><i>(k) states that legal services are available on a contingent or no-recovery-no-fee basis without stating conspicuously that the client may be responsible for costs or expenses, if that is the case.</i></p> <p><i>The presumptions that statements are misleading contained in Rule 4-7.1(c), (g), (h), and (k) shall not apply to a not-for-profit organization funded in whole or in part by the Legal Services Corporation established by 42 U.S.C. section 2996(b) or to pro bono services provided free of charge by a not-for-profit organization, a court-annexed program, a bar association, or an accredited law school.</i></p>
<p>MT Effective 4/1/04</p> <p>Changes effective 7/21/10</p>	<p>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.; <u>A misleading communication includes, but is not limited to those that:</u></p> <p><u>(a) omits a fact as a result of which necessary to make the statement considered as a whole net is materially misleading;-</u></p> <p><u>(b) is likely to create an unjustified expectation about results the lawyer can achieve;</u></p> <p><u>(c) proclaims results obtained on behalf of clients, such as the amount of a damage award or the lawyer's record in obtaining favorable verdicts or settlements, without stating that past results afford no guarantee of future results and that every case is different and must be judged on its own merits;</u></p> <p><u>(d) states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;</u></p> <p><u>(e) compares the quality of a lawyer's or a law firm's services with other lawyers' services, unless the comparison can be factually substantiated;</u></p> <p><u>(f) advertises for a specific type of cases concerning which the lawyer has neither</u></p>

	<p><u>experience nor competence;</u> <u>(g) indicates an area of practice in which the lawyer routinely refers matters to other lawyers, without conspicuous identification of such fact;</u> <u>(h) contains any paid testimonial about, or endorsement of, the lawyer without conspicuous identification of the fact that payments have been made for the testimonial of endorsement;</u> <u>(i) provides an office address for an office staffed only part time or by appointment only, without conspicuous identification of such fact;</u> <u>(k) states that legal services are available on a contingent or no-recovery, no-fee basis without stating conspicuously that the client may be responsible for costs or expenses, if that is the case; or</u> <u>(l) advertises for legal services without identifying the jurisdictions in which the lawyer is licensed to practice.</u></p>
<p>NE Effective 9/1/05</p>	<p>Same as MR</p>
<p>NV Effective 5/1/06</p>	<p>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: (a) Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; (b) Is likely to create an unjustified or unreasonable expectation about results the lawyer can or has achieved, which shall be considered inherently misleading for the purposes of this Rule, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; (c) Compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated; or (d) Contains a testimonial or endorsement which violates any portion of this Rule.</p>
<p>NH Effective 1/1/08</p>	<p>Replaces language after "lawyer's services" with: <i>Without limiting the generality of the foregoing, a communication is false or misleading if it:</i> <i>(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement, considered in light of all of the circumstances, not materially misleading;</i> <i>(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the rules of professional conduct or other law; or</i> <i>(c) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated.</i></p>
<p>NJ Effective 1/1/04</p>	<p>RPC 7.1. Communications Concerning a Lawyer's Service (a) A lawyer shall not make false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement. A communication is false or misleading if it: (1) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; (2) is likely to create an unjustified expectation about results the lawyer can achieve,</p>

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	<p>or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;</p> <p>(3) compares the lawyer's services with other lawyers' services; or</p> <p>(4) relates to legal fees other than:</p> <p>(i) a statement of the fee for an initial consultation;</p> <p>(ii) a statement of the fixed or contingent fee charged for a specific legal service, the description of which would not be misunderstood or be deceptive;</p> <p>(iii) a statement of the range of fees for specifically described legal services, provided there is a reasonable disclosure of all relevant variables and considerations so that the statement would not be misunderstood or be deceptive;</p> <p>(iv) a statement of specified hourly rates, provided the statement makes clear that the total charge will vary according to the number of hours devoted to the matter, and in relation to the varying hourly rates charged for the services of different individuals who may be assigned to the matter;</p> <p>(v) the availability of credit arrangements; and</p> <p>(vi) a statement of the fees charged by a qualified legal assistance organization in which the lawyer participates for specific legal services the description of which would not be misunderstood or be deceptive</p> <p>(b) It shall be unethical for a lawyer to use an advertisement or other related communication known to have been disapproved by the Committee on Attorney Advertising, or one substantially the same as the one disapproved, until or unless modified or reversed by the Advertising Committee or as provided by Rule 1:19-3(d).</p>
NM Effective 11/2/09	<p>Changed to Rule 16-701 of Article 7. Information About Legal Services;</p> <p>Adds to end of paragraph: “or contains a testimonial about, or endorsement of, the lawyer that is misleading.”</p>
NY Effective 4/1/09	Does not adopt
NC Effective 3/1/03	<p>(a): same as former MR first paragraph</p> <p>(a)(1) – (3): same as former MR (a) – (c)</p> <p>Adds (b) A communication by a lawyer that contains a dramatization depicting a fictional situation is misleading unless it complies with paragraph (a) above and contains a conspicuous written or oral statement, at the beginning and the end of the communication, explaining that the communication contains a dramatization and does not depict actual events or real persons.</p>
ND Effective 8/1/06	<p>Title: Communications Concerning the Services of a Lawyer or Persons Professionally Associated with the Lawyer</p>
Marked changes effective 10/1/10	<p>A lawyer shall not make a false or misleading communication about the lawyer, a person professionally associated with the lawyer, or their services. A communication is false or misleading if it:</p> <p>(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;</p> <p>(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or</p>

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	<p>(c) compares the lawyer's services <u>lawyer</u> with other lawyers' services <u>lawyers</u>, unless the comparison can be factually substantiated; <u>or</u> (d) <u>compares the lawyer's services with other lawyers' services based on the lawyer having received an honor or accolade, unless:</u> (1) <u>the name of the comparing organization is states, and</u> (2) <u>the basis for the comparison can be substantiated.</u></p>
OH Effective 2/1/07	Adds "or use" after "make," "or nonverifiable" after first use of "misleading"
OK Effective 1/1/08	Same as MR
OR Effective 12/1/06	<p>(a) A lawyer shall not make or cause to be made any communication about the lawyer or the lawyer's firm, whether in person, in writing, electronically, by telephone or otherwise, if the communication:</p> <ol style="list-style-type: none">(1) contains a material misrepresentation of fact or law, or omits a statement of fact or law necessary to make the communication considered as a whole not materially misleading;(2) is intended or is reasonably likely to create a false or misleading expectation about results the lawyer or the lawyer's firm can achieve;(3) except upon request of a client or potential client, compares the quality of the lawyer's or the lawyer's firm's services with the quality of the services of other lawyers or law firms;(4) states or implies that the lawyer or the lawyer's firm specializes in, concentrates a practice in, limits a practice to, is experienced in, is presently handling or is qualified to handle matters or areas of law if the statement or implication is false or misleading;(5) states or implies that the lawyer or the lawyer's firm is in a position to improperly influence any court or other public body or office;(6) contains any endorsement or testimonial, unless the communication clearly and conspicuously states that any result that the endorsed lawyer or law firm may achieve on behalf of one client in one matter does not necessarily indicate that similar results can be obtained for other clients;(7) states or implies that one or more persons depicted in the communication are lawyers who practice with the lawyer or the lawyer's firm if they are not;(8) states or implies that one or more persons depicted in the communication are current clients or former clients of the lawyer or the lawyer's firm if they are not, unless the communication clearly and conspicuously discloses that the persons are actors or actresses;(9) states or implies that one or more current or former clients of the lawyer or the lawyer's firm have made statements about the lawyer or the lawyer's firm, unless the making of such statements can be factually substantiated;(10) contains any dramatization or recreation of events, such as an automobile accident, a courtroom speech or a negotiation session, unless the communication clearly and conspicuously discloses that a dramatization or recreation is being presented;(11) is false or misleading in any manner not otherwise described above; or

	<p>(12) violates any other Rule of Professional Conduct or any statute or regulation applicable to solicitation, publicity or advertising by lawyers.</p> <p>(b) An unsolicited communication about a lawyer or the lawyer's firm in which services are being offered must be clearly and conspicuously identified as an advertisement unless it is apparent from the context that it is an advertisement.</p> <p>(c) An unsolicited communication about a lawyer or the lawyer's firm in which services are being offered must clearly identify the name and post office box or street address of the office of the lawyer or law firm whose services are being offered.</p> <p>(d) A lawyer may pay others for disseminating or assisting in the dissemination of communications about the lawyer or the lawyer's firm only to the extent permitted by Rule 7.2.</p> <p>(e) A lawyer may not engage in joint or group advertising involving more than one lawyer or law firm unless the advertising complies with Rules 7.1, 7.2, and 7.3 as to all involved lawyers or law firms. Notwithstanding this rule, a bona fide lawyer referral service need not identify the names and addresses of participating lawyers.</p>
<p>PA Effective 7/1/06</p>	<p>Same as MR</p>
<p>RI Effective 4/15/07</p>	<p>Text and (a) are the same as Model Rule; Adds:</p> <p><i>(b) contains any testimonial about, or endorsement of, the lawyer without identifying the fact that it is a testimonial or endorsement, and if payment for the testimonial or endorsement has been made, that fact must also be disclosed. If the testimonial or endorsement is not made by an actual client that fact must also be identified. If the testimonial or endorsement appears in a televised advertisement, the foregoing disclosures and identifications must appear continuously throughout the advertisement;</i></p> <p><i>(c) contains a dramatization or simulated description of the lawyer, partners or associates, offices or facilities, or services without identifying the fact that the description is a simulation or dramatization. If the dramatization or simulated description appears in a televised advertisement, the fact that it is a dramatization or simulated description must appear continuously throughout the advertisement.</i></p>
<p>SC Effective 10/1/05</p>	<p>introduction: adds “deceptive or unfair” before “communication”</p> <p>Retains format of old MR with subparagraphs describing communications that violate the rule</p> <p>(a): same language as the new MR (which is the same as old MR (a))</p> <p>(b): same as old MR (b) “is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;”</p> <p>(c): same as old MR (c) “compares the lawyer’s services with other lawyers’ services, unless the comparison can be factually substantiated;”</p> <p>(d): “contains a testimonial; or”</p> <p>(e): “contains a nickname, moniker, or trade name that implies an ability to obtain results in a matter.”</p>

<p>SD Effective 1/1/04</p>	<p>Rule 7.1. Communications Concerning a Lawyer’s Services.</p> <p>(a) Definitions. For the purpose of this Rule 7.1, the following terms shall have the following meanings:</p> <p>(1) “communication” means any message or offer made by or on behalf of a lawyer concerning the availability of the lawyer for professional employment which is directed to any former, present, or prospective client, including, but not limited to, the following:</p> <ul style="list-style-type: none">(i) any use of firm name, trade name, fictitious name, or other professional designation of such lawyer;(ii) any stationery, letterhead, business card, sign, brochure, or other comparable written material describing such lawyer;(iii) any advertisement, regardless of medium, of such lawyer, directed to the general public or any significant portion thereof; or(iv) any unsolicited correspondence from a lawyer directed to any person or entity; and <p>(2) “lawyer” means an individual lawyer and any association of lawyers for the practice of law, including a partnership, a professional corporation, limited liability company or any other association.</p> <p>(b) Purpose of Communications. All communications shall be predominantly informational. As used in this Rule 7.1, “predominantly informational” means that, in both quantity and quality, the communication of factual information rationally related to the need for and selection of a lawyer predominates and that the communication includes only a minimal amount of content designed to attract attention to and create interest in the communication.</p> <p>(c) False or Misleading Communications. 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:</p> <ul style="list-style-type: none">(1) contains a material misrepresentation of fact or law, or omits a fact necessary to make the communication considered as a whole not materially misleading;(2) contains a prediction, warranty or guarantee regarding the future success of representation by the lawyer or is likely to create an unjustified expectation about results the lawyer can achieve;(3) contains an opinion, representation, implication or self-laudatory statement regarding the quality of the lawyer’s legal services which is not susceptible of reasonable verification by the public;(4) contains information based on the lawyer’s past success without a disclaimer that past success cannot be an assurance of future success because each case must be decided on its own merits;(5) compares the lawyer’s services with other lawyers’ services, unless the comparison can be factually substantiated;(6) states or implies that the lawyer actually represents clients in a particular area of practice when the lawyer refers a significant number of such
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	<p>clients to other lawyers for representation with respect to all or a significant aspect of the particular practice area;</p> <ul style="list-style-type: none"> (7) states or implies that the lawyer is experienced in a particular area of practice unless significant experience in such practice area can be factually substantiated; (8) states or implies that the lawyer is in a position to improperly influence any court or other public body or office; (9) states or implies the existence of a relationship between the lawyer and a government agency or instrumentality; (10) states or implies that a lawyer has a relationship to any other lawyer unless such relationship in fact exists and is close, personal, continuous and regular; (11) fails to contain the name and address by city or town of the lawyer whose services are described in the communication; (12) contains a testimonial about or endorsement of the lawyer, unless the lawyer can factually substantiate the claims made in the testimonial or endorsement and unless such communication also contains an express disclaimer substantively similar to the following: “This testimonial or endorsement does not constitute a guaranty, warranty, or prediction regarding the outcome of your legal matter”; (13) contains a testimonial or endorsement about the lawyer for which the lawyer has directly or indirectly given or exchanged anything of value to or with the person making the testimonial or giving the endorsement, unless the communication conspicuously discloses that the lawyer has given or exchanged something of value to or with the person making the testimonial or giving the endorsement; (14) contains a testimonial or endorsement which is not made by an actual client of the lawyer, unless that fact is conspicuously disclosed in the communication; (15) contains any impersonation, dramatization, or simulation which is not predominantly informational and without conspicuously disclosing in the communication the fact that it is an impersonation, dramatization, or simulation; (16) fails to contain disclaimers or disclosures required by this Rule 7.1 or the other Rules of Professional Conduct; (17) contains any other material statement or claim that cannot be factually substantiated. <p>(d) Lawyers Responsible for Communication. Every lawyer associated in the practice of law with or employed by the lawyer which causes or makes a communication in violation of this rule may be subject to discipline for the failure of the communication to comply with the requirements of this rule.</p>
<p>TN Effective 1/1/2011</p>	<p>Same as MR</p>
<p>TX*</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p>

<p>Effective 3/1/05</p>	<p><i>(a) A lawyer shall not make or sponsor a false or misleading communication about the qualifications or the services of any lawyer or firm. A communication is false or misleading if it:</i></p> <ul style="list-style-type: none"><i>(1) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;</i><i>(2) contains any reference in a public media advertisement to past successes or results obtained unless (i) the communicating lawyer or member of the law firm served as lead counsel in the matter giving rise to the recovery, or was primarily responsible for the settlement or verdict,<ul style="list-style-type: none"><i>(ii) the amount involved was actually received by the client,</i><i>(iii) the reference is accompanied by adequate information regarding the nature of the case or matter and the damages or injuries sustained by the client, and</i><i>(iv) if the gross amount received is stated, the attorney's fees and litigation expenses withheld from the amount are stated as well;</i></i><i>(3) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate these rules or other law;</i><i>(4) compares the lawyer's services with other lawyers' services, unless the comparison can be substantiated by reference to verifiable, objective data;</i><i>(5) states or implies that the lawyer is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official;</i><i>(6) designates one or more specific areas of practice in an advertisement in the public media or in a solicitation communication unless the advertising or soliciting lawyer is competent to handle legal matters in each such area of practice; or</i><i>(7) uses an actor or model to portray a client of the lawyer or law firm.</i> <p><i>(b) Rule 7.02(a)(6) does not require that a lawyer be certified by the Texas Board of Legal Specialization at the time of advertising in a specific area of practice, but such certification shall conclusively establish that such lawyer satisfies the requirements of Rule 7.02(a)(6) with respect to the area(s) of practice in which such lawyer is certified.</i></p> <p><i>(c) A lawyer shall not advertise in the public media or state in a solicitation communication that the lawyer is a specialist except as permitted under Rule 7.04.</i></p> <p><i>(d) Any statement or disclaimer required by these rules shall be made in each language used in the advertisement or solicitation communication with respect to which such required statement or disclaimer relates; provided however, the mere statement that a particular language is spoken or understood shall not alone result in the need for a statement or disclaimer in that language.</i></p>
<p>UT Effective 11/1/05</p>	<p>Same as MR</p>
<p>VT Effective</p>	<p>Same as MR</p>

As of October 21, 2010

9/1/09	
VA Effective 1/1/04	(a) A lawyer shall not, on behalf of the lawyer or any other lawyer affiliated with the lawyer or the firm, use or participate in the use of any form of public communication if such communication contains a false, fraudulent, misleading, or deceptive statement or claim. For example, a communication violates this Rule if it: (1) contains false or misleading information; or (2) states or implies that the outcome of a particular legal matter was not or will not be related to its facts or merits; or (a)(3): same as former MR (c) (a)(4): same as former MR (b) Adds (b) Public communication means all communication other than “in-person” communication as defined by Rule 7.3.
WA Effective 9/1/06	Same as MR
WV* Effective 1/1/89	<i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i> Text and paragraph (a) are the same as MR; Adds: <i>(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or</i> <i>(c) compares the lawyer’s services with other lawyer’s services, unless the comparison can be factually substantiated.</i>
WI Effective 7/1/07	Has former MR Adds (d) contains any paid testimonial about, or paid endorsement of, the lawyer without identifying the fact that payment has been made or, if the testimonial or endorsement is not made by an actual client, without identifying that fact.
WY Effective 7/1/06	Has former MR Adds: (d) contains a dramatization prohibited by Rule 7.2(h), a testimonial or endorsement.

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