

**American Bar Association
CPR Policy Implementation Committee**

Variations of the ABA Model Rules of Professional Conduct

Rule 7.2 Advertising

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media.

(b) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may

(1) pay the reasonable costs of advertisements or communications permitted by this Rule;

(2) pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service. A qualified lawyer referral service is a lawyer referral service that has been approved by an appropriate regulatory authority;

(3) pay for a law practice in accordance with Rule 1.17; and

(4) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if

(i) the reciprocal referral agreement is not exclusive, and

(ii) the client is informed of the existence and nature of the agreement.

(c) Any communication made pursuant to this rule shall include the name and office address of at least one lawyer or law firm responsible for its content.

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>.

Comments not included.

Current links to state Rules of Professional conduct can be found on the ABA website: <http://www.abanet.org/cpr/links.html>

<p>AL Effective 2/19/09</p>	<p>Adds to beginning of paragraph: <i>A lawyer who advertises concerning legal services shall comply with the following;</i></p> <p>(a) Deletes reference in first clause to Rule 7.3; Replaces everything following “services though” with: <i>public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor displays, radio, television, or written communication not involving solicitation as defined in Rule 7.3;</i></p> <p>Adds (b):</p> <p style="padding-left: 40px;"><i>(b) A true copy or recording of any such advertisement shall be delivered or mailed to the office of the general counsel of the Alabama State Bar at its then current headquarters within three (3) days after the date on which any such advertisement is first disseminated; the contemplated duration thereof and the identity of the publisher or broadcaster of such advertisement, either within the advertisement or by separate communication accompanying said advertisement, shall be stated. Also, a copy or recording of any such advertisement shall be kept by the lawyer responsible for its content, as provided hereinafter by Rule 7.2(d), for six (6) years after its last dissemination.</i></p> <p>(c) combines MR (b), (b)(1) and (b)(2) but adds “written” before “communication;” deletes “or qualified” from MR (b)(2); deletes everything after referral service” in MR (b)(2);</p> <p>Does not adopt MR (b)(3) and (4);</p> <p>(d) is similar to MR (c) but deletes “and office address;” deletes “or law firm;”</p> <p>Adds (e) and (f):</p> <p style="padding-left: 40px;"><i>(e) No communication concerning a lawyer's services shall be published or broadcast, unless it contains the following language, which shall be clearly legible or audible, as the case may be: "No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers."</i></p> <p style="padding-left: 40px;"><i>(f) If fees are stated in the advertisement, the lawyer or law firm advertising must perform the advertised services at the advertised fee, and the failure of the lawyer and/or law firm advertising to perform an advertised service at the advertised fee shall be prima facie evidence of misleading advertising and deceptive practices. The lawyer or law firm advertising shall be bound to perform the advertised services for the advertised fee and expenses for a period of not less than sixty (60) days following the date of the last publication or broadcast.</i></p>
<p>AK Effective 4/15/09</p>	<p>Same as MR</p>
<p>AZ Effective 12/1/03</p>	<p>Does not include new (b)(4)</p> <p>adds as (d): (d) Every advertisement (including advertisement by written solicitation) that contains information about the lawyer’s fees shall be subject to the following requirements:</p> <p>(1) advertisements and written solicitations indicating that the charging of a fee is contingent on outcome or that the fee will be a percentage of the recovery shall disclose (A) that the client will be liable for expenses regardless of outcome unless</p>

	<p>the repayment of such is contingent upon the outcome of the matter and (B) whether the percentage fee will be computed before expenses are deducted from the recovery;</p> <p>(2) range of fees or hourly rates for services may be communicated provided that the client is informed in writing at the commencement of any client-lawyer relationship that the total fee within the range which will be charged or the total hours to be devoted will vary depending upon that particular matter to be handled for each client and the client is entitled without obligation to an estimate of the fee within the range likely to be charged;</p> <p>(3) fixed fees for specific routine legal services, the description of which would not be misunderstood or be deceptive, may be communicated provided that the client is informed in writing at the commencement of any client-lawyer relationship that the quoted fee will be available only to clients whose matters fall within the services described and that the client is entitled without obligation to a specific estimate of the fee likely to be charged;</p> <p>(4) a lawyer who advertises a specific fee, range of fees or hourly rate for a particular service shall honor the advertised fee, or range of fees, for at least ninety (90) days unless the advertisement specifies a shorter period; provided, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.</p> <p>adds as (e): Advertisements on the electronic media may contain the same information as permitted in advertisements in the print media. If a law firm advertises on electronic media and a person appears purporting to be a lawyer, such person shall in fact be a lawyer employed full-time at the advertising law firm. If a law firm advertises a particular legal service on electronic media, and a lawyer appears as the person purporting to render the service, the lawyer appearing shall be the lawyer who will actually perform the service advertised unless the advertisement discloses that the service may be performed by other lawyers in the firm.</p> <p>adds as (f); Communications required by paragraphs (c) and (d) shall be clear and conspicuous. To be "clear and conspicuous" a communication must be of such size, color, contrast, location, duration, cadence, and audibility that an ordinary person can readily notice, read, hear, and understand it.</p>
AR Effective 5/1/05	<p><u>(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor advertising, radio or television, or through written communication.</u></p> <p><u>(b) A copy or recording of an advertisement or communication shall be kept for five years after its last dissemination along with a record of when and where it was used.</u></p> <p><u>(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertisements or communications permitted by this rule and may pay the usual charges for not-for-profit lawyer referral service or other legal service organization; and may pay for a law practice in accordance with Rule 1.17.</u></p> <p><u>(d) Any communication made pursuant to this Rule shall include the name of at least one lawyer who is licensed in Arkansas and who is responsible for its content, and shall disclose the geographic location of the office or offices of the attorney or the</u></p>

	<p><u>firm in which the lawyer or lawyers who actually perform the services advertised principally practice law.</u></p> <p><u>(e) Advertisements may include photographs, voices or images of the lawyers who are members of the firm who will actually perform the services. If advertisements utilize actors or other individuals, those persons shall be clearly and conspicuously identified by name and relationship to the advertising lawyer or law firm and shall not mislead or create an unreasonable expectation about the results the lawyer may be able to obtain. Clients or former clients shall not be used in any manner whatsoever in advertisements. Dramatization in any advertisement is prohibited.</u></p>
CA Current Rule	<p>[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]</p>
CO Effective 1/1/08	<p>(b)(2) Replaces with: <i>(2) pay the usual charges of a not-for-profit lawyer referral service or legal service organization.</i></p>
CT Effective 1/1/07	<p>Adds (b)(1) A copy or recording of an advertisement or communication shall be kept for three years after its last dissemination along with a record of when and where it was used. An electronic advertisement or communication shall be copied once every three months on a compact disk or similar technology and kept for three years after its last dissemination.</p> <p>(2) A lawyer shall comply with the mandatory filing requirement of Practice Book Section 2-28A.</p> <p>(c) and (c)(1): same as MR (b) and (b)(1)</p> <p>(c)(2): same as MR (b)(2) but deletes "legal service plan or a"</p> <p>(c)(3): same as MR (b)(3)</p> <p>Does not have MR (b)(4)</p> <p>(d) 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.</p> <p>Adds (e) Advertisements on the electronic media such as television and radio may contain the same factual information and illustrations as permitted in advertisements in the print media.</p> <p>Adds (f) 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 the 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 disclosure concerning court costs and expenses of litigation shall be in the same print size and type as the information regarding the lawyer's fee and, if broadcast, shall appear for the same duration as the information regarding the lawyer's fee. If the information regarding the fee is spoken, the disclosure concerning court costs and expenses of litigation shall also be spoken.</p> <p>Adds (g) A lawyer who advertises a specific fee or range of fees for a particular</p>

	<p>service shall honor the advertised fee or range of fees for at least 90 days unless the advertisement specifies a shorter period; provided that, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.</p> <p>Adds (h) No lawyers shall, directly or indirectly pay all or part of the cost of an advertisement by a lawyer not in the same firm unless the advertisement discloses the name and address of the nonadvertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the nonadvertising lawyer.</p> <p>Adds (i) The following information in advertisements and written communications shall be presumed not to violate the provisions of Rule 7.1:</p> <p>(1) Subject to the requirements of Rule 7.3, the name of the lawyer or law firm, a listing of lawyers associated with the firm, office addresses and telephone numbers, office and telephone service hours, fax numbers, website and e-mail addresses and domain names, and a designation such as “attorney” or “law firm.”</p> <p>(2) Date of admission to the Connecticut bar and any other bars and a listing of federal courts and jurisdictions where the lawyer is licensed to practice.</p> <p>(3) Technical and professional licenses granted by the state or other recognized licensing authorities.</p> <p>(4) Foreign language ability.</p> <p>(5) Fields of law in which the lawyer practices or is designated, subject to the requirements of Rule 7.4, or is certified pursuant to Rule 7.4A.</p> <p>(6) Prepaid or group legal service plans in which the lawyer participates.</p> <p>(7) Acceptance of credit cards.</p> <p>(8) Fee for initial consultation and fee schedule.</p> <p>(9) A listing of the name and geographic location of a lawyer or law firm as a sponsor of a public service announcement or charitable, civic or community program or event.</p> <p>(10) Nothing in this Rule prohibits a lawyer or law firm from permitting the inclusion in the law directories intended primarily for the use of the legal profession of such information as has traditionally been included in these publications.</p>
<p>DE Effective 7/1/03</p>	<p>add at the beginning of (b): “Except as permitted by Rule 1.5(e),” did not add (b)(4)</p>
<p>District of Columbia Effective 2/1/07</p>	<p>Does not adopt</p>
<p>FL Effective 5/22/06</p>	<p>Title: same as MR 7.1 The following shall apply to any communication conveying information about a lawyer’s or a law firm’s services except as provided in subdivisions (e) and (f) of rule 4-7.1:</p> <p>(a) Required Content of Advertisements and Unsolicited Written Communications.</p> <p>(1) Name of Lawyer or Lawyer Referral Service. All advertisements and written communications pursuant to these rules shall include the name of at least 1 lawyer or</p>

the lawyer referral service responsible for their content.

(2) Location of Practice. All advertisements and written communications provided for under these rules shall disclose, by city or town, 1 or more bona fide office locations of the lawyer or lawyers who will actually perform the services advertised. If the office location is outside a city or town, the county in which the office is located must be disclosed. A lawyer referral service shall disclose the geographic area in which the lawyer practices when a referral is made. For the purposes of this rule, a bona fide office is defined as a physical location maintained by the lawyer or law firm where the lawyer or law firm reasonably expects to furnish legal services in a substantial way on a regular and continuing basis.

(b) Permissible Content of Advertisements and Unsolicited Written Communications. If the content of an advertisement in any public media or unsolicited written communication is limited to the following information, the advertisement or unsolicited written communication is exempt from the filing and review requirement and, if true, shall be presumed not to be misleading or deceptive.

(1) Lawyers and Law Firms. A lawyer or law firm may include the following information in advertisements and unsolicited written communications:

(A) the name of the lawyer or law firm subject to the requirements of this rule and rule 4-7.9, a listing of lawyers associated with the firm, office locations and parking arrangements, disability accommodations, telephone numbers, website addresses, and electronic mail addresses, office and telephone service hours, and a designation such as “attorney” or “law firm”;

(B) date of admission to The Florida Bar and any other bars, current membership or positions held in The Florida Bar or its sections or committees, former membership or positions held in The Florida Bar or its sections or committees with dates of membership, former positions of employment held in the legal profession with dates the positions were held, years of experience practicing law, number of lawyers in the advertising law firm, and a listing of federal courts and jurisdictions other than Florida where the lawyer is licensed to practice;

(C) technical and professional licenses granted by the state or other recognized licensing authorities and educational degrees received, including dates and institutions;

(D) military service, including branch and dates of service;

(E) foreign language ability;

(F) fields of law in which the lawyer practices, including official certification logos, subject to the requirements of subdivision (c)(6) of this rule regarding use of terms such as certified, specialist, and expert;

(G) prepaid or group legal service plans in which the lawyer participates;

(H) acceptance of credit cards;

(I) fee for initial consultation and fee schedule, subject to the requirements of subdivisions (c)(7) and (c)(8) of this rule regarding cost disclosures and honoring advertised fees;

(J) common salutary language such as “best wishes,” “good luck,” “happy holidays,” or “pleased to announce”;

(K) punctuation marks and common typographical marks;

(L) an illustration of the scales of justice not deceptively similar to official

certification logos or The Florida Bar logo, a gavel, traditional renditions of Lady Justice, the Statue of Liberty, the American flag, the American eagle, the State of Florida flag, an unadorned set of law books, the inside or outside of a courthouse, column(s), diploma(s), or a photograph of the lawyer or lawyers who are members of or employed by the firm against a plain background consisting of a single solid color or a plain unadorned set of law books.

(2) Lawyer Referral Services. A lawyer referral service may advertise its name, location, telephone number, the referral fee charged, its hours of operation, the process by which referrals are made, the areas of law in which referrals are offered, the geographic area in which the lawyers practice to whom those responding to the advertisement will be referred, and, if applicable, its nonprofit status, its status as a lawyer referral service approved by The Florida Bar, and the logo of its sponsoring bar association.

(3) Public Service Announcements. A lawyer or law firm may be listed as a sponsor of a public service announcement or charitable, civic, or community program or event as long as the information about the lawyer or law firm is limited to the permissible content set forth in subdivision (b)(1) of this rule.

(c) Prohibitions and General Regulations Governing Content of Advertisements and Unsolicited Written Communications.

(1) Statements About Legal Services. A lawyer shall not make or permit to be made a false, misleading, or deceptive communication about the lawyer or the lawyer's services. A communication violates this rule if it:

- (A) contains a material misrepresentation of fact or law;
- (B) is false or misleading;
- (C) fails to disclose material information necessary to prevent the information supplied from being false or misleading;
- (D) is unsubstantiated in fact;
- (E) is deceptive;
- (F) contains any reference to past successes or results obtained;
- (G) promises results;
- (H) states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;
- (I) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated; or
- (J) contains a testimonial.

(2) Descriptive Statements. A lawyer shall not make statements describing or characterizing the quality of the lawyer's services in advertisements and unsolicited written communications.

(3) Prohibited Visual and Verbal Portrayals and Illustrations. A lawyer shall not include in any advertisement or unsolicited written communication any visual or verbal descriptions, depictions, illustrations, or portrayals of persons, things, or events that are deceptive, misleading, manipulative, or likely to confuse the viewer.

(4) Advertising Areas of Practice. A lawyer or law firm shall not advertise for legal employment in an area of practice in which the advertising lawyer or law firm does not currently practice law.

(5) Stating or Implying Florida Bar Approval. A lawyer or law firm shall not make

any statement that directly or impliedly indicates that the communication has received any kind of approval from The Florida Bar.

(6) Communication of Fields of Practice. A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law. A lawyer shall not state or imply that the lawyer is “certified,” “board certified,” a “specialist,” or an “expert” except as follows:

(A) Florida Bar Certified Lawyers. A lawyer who complies with the Florida certification plan as set forth in chapter 6, Rules Regulating The Florida Bar, may inform the public and other lawyers of the lawyer’s certified areas of legal practice. Such communications should identify The Florida Bar as the certifying organization and may state that the lawyer is “certified,” “board certified,” a “specialist in (area of certification),” or an expert in (area of certification).”

(B) Lawyers Certified by Organizations Other Than The Florida Bar or Another State Bar. A lawyer certified by an organization other than The Florida Bar or another state bar may inform the public and other lawyers of the lawyer’s certified area(s) of legal practice by stating that the lawyer is “certified,” “board certified,” a “specialist in (area of certification),” or an “expert in (area of certification)” if:

(i) the organization’s program has been accredited by The Florida Bar as provided elsewhere in these Rules Regulating The Florida Bar; and,

(ii) the member includes the full name of the organization in all communications pertaining to such certification.

(C) Certification by Other State Bars. A lawyer certified by another state bar may inform the public and other lawyers of the lawyer’s certified area(s) of legal practice and may state in communications to the public that the lawyer is “certified,” “board certified,” a “specialist in (area of certification),” or an “expert in (area of certification)” if:

(i) the state bar program grants certification on the basis of standards reasonably comparable to the standards of the Florida certification plan as set forth in chapter 6, Rules Regulating The Florida Bar, as determined by The Florida Bar; and,

(ii) the member includes the name of the state bar in all communications pertaining to such certification.

(7) Disclosure of Liability For Expenses Other Than Fees. Every advertisement and unsolicited written communication that contains information about the lawyer’s fee, including those that indicate no fee will be charged in the absence of a recovery, shall disclose whether the client will be liable for any expenses in addition to the fee.

(8) Period for Which Advertised Fee Must be Honored. A lawyer who advertises a specific fee or range of fees for a particular service shall honor the advertised fee or range of fees for at least 90 days unless the advertisement specifies a shorter period; provided that, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than 1 year following publication.

(9) Firm Name. A lawyer shall not advertise services under a name that violates the provisions of rule 7.9.

(10) Language of Required Statements. Any words or statements required by this subchapter to appear in an advertisement or direct mail communication must appear in the same language in which the advertisement appears. If more than 1

	<p>language is used in an advertisement or direct mail communication, any words or statements required by this subchapter must appear in each language used in the advertisement or direct mail communication.</p> <p>(11) Appearance of Required Statements. Any words or statements required by this subchapter to appear in an advertisement or direct mail communication must be clearly legible if written or intelligible if spoken aloud.</p> <p>(12) Payment by Nonadvertising Lawyer. No lawyer shall, directly or indirectly, pay all or a part of the cost of an advertisement by a lawyer not in the same firm. Rule 4-1.5(f)(4)(D) (regarding the division of contingency fees) is not affected by this provision even though the lawyer covered by rule 4-1.5(f)(4)(D)(ii) advertises.</p> <p>(13) Referrals to Another Lawyer. If the case or matter will be referred to another lawyer or law firm, the communication shall include a statement so advising the prospective client.</p> <p>(14) Payment for Recommendations; Lawyer Referral Service Fees. A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or written or recorded communication permitted by these rules, may pay the usual charges of a lawyer referral service or other legal service organization, and may purchase a law practice in accordance with rule 4-1.17.</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) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through:</i></p> <p><i>(1) public media, such as a telephone directory, legal directory, newspaper or other periodical;</i></p> <p><i>(2) outdoor advertising;</i></p> <p><i>(3) radio or television;</i></p> <p><i>(4) written, electronic or recorded communication.</i></p> <p><i>(b) A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.</i></p> <p><i>The maximum penalty for a violation of this Rule is a public reprimand.</i></p>
<p>HI* Effective 1/1/94</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>(a) Replaces language after "services through" with "public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor advertising, radio, or television, or through written or recorded communication;</p> <p><i>(b) A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used;</i></p> <p>(c)(2) Replaces language after "qualified" with "legal assistance organization, which charges, in addition to any referral fee, may include a fee calculated as a percentage of legal fees earned by the lawyer to whom the service or organization has referred a matter, provided that any such percentage fee shall be used only to pay the reasonable operating expenses of the service or organization and to fund public service activities of the service or organization, including the delivery of pro bono legal services; and;"</p> <p>Does not have (c)(3);</p>

	(d) Deletes “and office address.”
ID Effective 7/1/04	(b) – same as before E2000 changes (c) – same as MR (d) but does not include (4) (added by Ethics Cmte 8/02)
IL Effective 1/1/2010	(2) Deletes “or qualified” after not-for-profit; deletes second sentence, “A qualified lawyer...regulatory authority;” (4)(c) Capitalizes “Rule.”
IN Effective 1/1/05	<p>Rule title is: Publicity and Advertising</p> <p>(a) Subject to the requirements of this rule, a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, radio or television or through other public communication.</p> <p>(b) A lawyer shall not, on behalf of himself, his partner or associate or any other lawyer affiliated with him or his firm, use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim.</p> <p>In order to facilitate the process of informed selection of a lawyer by potential consumers of legal service, a lawyer may advertise so long as said advertising is done in a dignified manner. The following constitute examples of permissible areas in which a lawyer may advertise:</p> <ol style="list-style-type: none"> (1) name, including name of law firm and names of professional associates; addresses and telephone numbers; (2) one or more fields of law in which the lawyer or law firm practices, using commonly accepted and understood definitions and designations; (3) date and place of birth; (4) date and place of admission to the bar of state and federal courts; (5) schools attended, with dates of graduation, degrees and other scholastic distinctions; (6) public or quasi-public offices; (7) military service; (8) legal authorships; (9) legal teaching position; (10) memberships, offices, and committee assignments, in bar associations; (11) membership and offices in legal fraternities and legal societies; (12) technical and professional licenses; (13) memberships in scientific, technical and professional associations and societies; (14) foreign language ability; (15) names and addresses of bank references; (16) prepaid or group legal services programs in which the lawyer participates; (17) whether credit cards or other credit arrangements are accepted; (18) office and telephone answering service hours; (19) the following information:

	<ul style="list-style-type: none">(A) fee for an initial consultation;(B) availability upon request of a written schedule of fees and/or an estimate of the fee to be charged for specific services;(C) contingent fee rates provided that the statement discloses whether percentages are computed before or after deduction of costs;(D) range of fees for services, provided that the statement discloses that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each client and the client is entitled without obligation to an estimate of the fee within the range likely to be charged, in print size equivalent to the largest print used in setting forth the fee information;(E) hourly rate, provided that the statement discloses that the total fee charged will depend upon the number of hours which must be devoted to the particular matter to be handled for each client and the client is entitled without obligation to an estimate of the fee likely to be charged, in print size at least equivalent to the largest print used in setting forth the fee information; and(F) fixed fees for specific legal services, the description of which would not be understood or be deceptive, provided that the statement discloses that the quoted fee will be available only to clients whose matters fall into the services described and that the client is entitled without obligation to a specific estimate of the fee likely to be charged in print size at least equivalent to the largest print used in setting forth the fee information. <p>(c) Without limitation a false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim includes a statement or claim which:</p> <ul style="list-style-type: none">(1) contains a material misrepresentation of fact;(2) omits to state any material fact necessary to make the statement, in the light of all circumstances, not misleading;(3) is intended or is likely to create an unjustified expectation;(4) states or implies that a lawyer is a certified or recognized specialist other than as permitted by Rule 7.4;(5) is intended or is likely to convey the impression that the lawyer is in a position to influence improperly any court, tribunal, or other public body or official;(6) contains a representation or implication that is likely to cause an ordinary prudent person to misunderstand or be deceived or fails to contain reasonable warnings or disclaimers necessary to make a representation of implication not deceptive.
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	<p>(d) A lawyer shall not, on behalf of himself, his partner or associate, or any other lawyer affiliated with him or his firm, use or participate in the use of any form of public communication which:</p> <ol style="list-style-type: none">(1) is intended or is likely to result in a legal action or a legal position being asserted merely to harass or maliciously injure another;(2) contains statistical data or other information based on past performance or prediction of future success;(3) contains a testimonial about or endorsement of a lawyer;(4) contains a statement or opinion as to the quality of the services or contains a representation or implication regarding the quality of legal services;(5) appeals primarily to a lay person's fear, greed, desire for revenge, or similar emotion; or(6) is prohibited by Rule 7.3. <p>(e) A lawyer shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. An advertisement must be identified as such unless it is apparent from the context that it is an advertisement. A copy or recording of an advertisement shall be approved by the lawyer and shall be kept for six years after its dissemination along with a record of when and where it was used.</p>
IA Effective 7/1/05	<p>(a) The following communications shall not be considered advertising and accordingly are not subject to rules 32:7.2, 32:7.3, and 32:7.4: (1) communications or solicitations for business between lawyers; (2) communications between a lawyer and an existing or former client, provided the lawyer does not know or have reason to know the attorney-client relationship has been terminated; or (3) communications by a lawyer that are in reply to a request for information by a member of the public that was not prompted by unauthorized advertising by the lawyer; information available through a hyperlink on a lawyer's Web site shall constitute this type of communication. Nonetheless, any brochures or pamphlets containing biographical and informational data disseminated to existing clients, former clients, lawyers, or in response to a request for information by a member of the public shall include the disclosures required by paragraph (h) when applicable.</p> <p>(b) Subject to the limitations contained in these rules, a lawyer may advertise services through written, recorded, or electronic communication, including public media. Any communication made pursuant to this rule shall include the name and office of at least one lawyer or law firm responsible for the content.</p> <p>(c) Subject to the limitations contained in these rules, a lawyer licensed to practice law in Iowa may permit the inclusion of the lawyer's name, address, telephone number, and designation as a lawyer, in a telephone or city directory, subject to the following requirements:</p> <ol style="list-style-type: none">(1) Only a lawyer's name, address, telephone number, and designation as a

lawyer may be alphabetically listed in the residential, business, and classified sections of the telephone or city directory.

(2) Listings in the classified section shall be under the general heading "Lawyers" or "Attorneys," except that a lawyer who has complied with rule 32:7.4(e) may be listed in classifications or headings identifying those fields or areas of practice as listed in rule 32:7.4(a). By further exception, a lawyer qualified under rule 32:7.4 to practice in the field of taxation law also may be listed under the general heading "Tax Preparation" or "Tax Return Preparation" either in lieu of or in addition to the general heading "Lawyers" or "Attorneys."

(3) All other telephone or city directory advertising permitted by these rules, including display or box advertisements, shall include the disclosures required by paragraph (h) when applicable.

(d) Subject to the limitations contained in these rules, a law firm may permit the inclusion of the firm name, address, and telephone number in a telephone or city directory, subject to the following requirements:

(1) The firm name, a list of its members, address, and telephone number may be listed alphabetically in the residential, business, and classified sections of the telephone or city directory.

(2) Listings in the classified section shall be under the general heading "Lawyers" or "Attorneys," except that a law firm may be listed in each of the classifications or headings identifying those fields or areas of practice as listed in rule 32:7.4(a) in which one or more members of the firm are qualified by virtue of compliance with rule 32:7.4(e).

(3) All other telephone or city directory advertising permitted by these rules, including display or box advertising, may contain the firm name, address, and telephone number, and the names of the individual lawyer members of the firm. All display or box advertisements shall include within the advertisement the disclosures required by paragraph (h) when applicable.

(e) Information permitted by these rules, articulated only by a single nondramatic voice, not that of the lawyer, and with no other background sound, may be communicated by radio or television, or other electronic or telephonic media. In the case of television, no visual display shall be allowed except that allowed in print as articulated by the announcer. All such communications shall contain the disclosures required by paragraph (h) when applicable.

(f) Whether or not the advertisement contains fee information, a lawyer shall preserve for at least three years a copy of each advertisement placed in a newspaper, in the classified section of the telephone or city directory, or in a periodical, a tape of any radio, television, or other electronic or telephonic media commercial, or recording, and a copy of all information placed on the World Wide Web, and a record of the date or dates and name of the publication in which the advertisement appeared or the name of the medium through which it was aired.

(g) The following information may be communicated to the public in the manner permitted by this rule, provided it is presented in a dignified style:

- (1) name, including name of law firm, names of professional associates, addresses, telephone numbers, Internet addresses and URLs, and the designation “lawyer,” “attorney,” “J.D.,” “law firm,” or the like;
 - (2) the following descriptions of practice:
 - (i) “general practice”;
 - (ii) “general practice including but not limited to” followed by one or more fields of practice descriptions set forth in rule 32:7.4(a)-(c); and
 - (iii) fields of practice, limitation of practice, or specialization, but only to the extent permitted by rule 32:7.4;
 - (3) date and place of birth;
 - (4) date and place of admission to the bar of state and federal courts;
 - (5) schools attended, with dates of graduation, degrees, and other scholastic distinctions;
 - (6) public or quasi-public offices;
 - (7) military service;
 - (8) legal authorships;
 - (9) legal teaching positions;
 - (10) memberships, offices, and committee and section assignments in bar associations;
 - (11) memberships and offices in legal fraternities and legal societies;
 - (12) technical and professional licenses;
 - (13) memberships in scientific, technical, and professional associations and societies; and
 - (14) foreign language ability.
- (h) Fee information may be communicated to the public in the manner permitted by this rule, provided it is presented in a dignified style.
- (1) The following information may be communicated:
- (i) the fee for an initial consultation;
 - (ii) the availability upon request of either a written schedule of fees, or an estimate of the fee to be charged for specific services, or both;
 - (iii) contingent fee rates, subject to rule 32:1.5(c) and (d), provided that the statement discloses whether percentages are computed before or after deduction of costs and advises the public that, in the event of an adverse verdict or decision, the contingent fee litigant could be liable for court costs, expenses of investigation, expenses of medical examinations, and costs of obtaining and presenting evidence;
 - (iv) fixed fees or range of fees for specific legal services;
 - (v) hourly fee rates; and
 - (vi) whether credit cards are accepted.
- (2) If fixed fees or a range of fees for specific legal services are communicated, the lawyer must disclose, in print size at least equivalent to the largest print used in setting forth the fee information, the following information:
- (i) that the stated fixed fees or range of fees will be available only to clients whose matters are encompassed within the described services; and
 - (ii) if the client’s matters are not encompassed within the described services,

or if an hourly fee rate is stated, the client is entitled, without obligation, to a specific written estimate of the fees likely to be charged.

(3) For purposes of these rules, the term “specific legal services” shall be limited to the following services:

(i) abstract examinations and title opinions not including services in clearing title;

(ii) uncontested dissolutions of marriage involving no disagreement concerning custody of children, alimony, child support, or property settlement. See rule 32:1.7(c);

(iii) wills leaving all property outright to one beneficiary and contingently to one beneficiary or one class of beneficiaries;

(iv) income tax returns for wage earners;

(v) uncontested personal bankruptcies;

(vi) changes of name;

(vii) simple residential deeds;

(viii) residential purchase and sale agreements;

(ix) residential leases;

(x) residential mortgages and notes;

(xi) powers of attorney; and

(xii) bills of sale.

(4) Unless otherwise specified in the public communication concerning fees, the lawyer shall be bound, in the case of fee advertising in the classified section of the telephone or city directory, for a period of at least the time between printings of the directory in which the fee advertisement appears and in the case of all other fee advertising for a period of at least ninety days thereafter, to render the stated legal service for the fee stated in the communication unless the client’s matters do not fall within the described services. In that event or if a range of fees is stated, the lawyer shall render the service for the estimated fee given the client in advance of rendering the service.

(i) In the event a lawyer’s communication seeks to advise the institution of litigation, the communication must also disclose that the filing of a claim or suit solely to coerce a settlement or to harass another could be illegal and could render the person so filing liable for malicious prosecution or abuse of process.

(j) A lawyer recommended by, paid by, or whose legal services are furnished by an organization listed in rule 32:7.7(d) may authorize, permit, or assist such organization to use means of dignified commercial publicity that does not identify any lawyer by name to describe the availability or nature of its legal services or legal service benefits.

(k) This rule does not prohibit limited and dignified identification of a lawyer as a lawyer as well as by name:

(1) in political advertisements when the professional status is germane to the political campaign or to a political issue;

(2) in public notices when the name and profession of a lawyer are required or authorized by law or are reasonably pertinent for a purpose other than the

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	<p>attraction of potential clients;</p> <p>(3) in routine reports and announcements of a bona fide business, civic, professional, or political organization in which the lawyer serves as a director or officer;</p> <p>(4) in and on legal documents prepared by the lawyer;</p> <p>(5) in and on legal textbooks, treatises, and other legal publications, and in dignified advertisements thereof; and</p> <p>(6) in communications by a qualified legal assistance organization, along with the biographical information permitted under paragraph (g), directed to a member or beneficiary of such organization.</p> <p>(l) A lawyer shall not compensate or give anything of value to representatives of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item or voluntarily give any information to such representatives which, if published in a news item, would be in violation of rule 32:7.1.</p>
<p>KS Effective 7/1/07</p>	<p>Does not adopt MR (b);</p> <p>Adds:</p> <p><i>(b) A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.</i></p> <p><i>(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertisements or communications permitted by this rule and may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.</i></p> <p>(d) is similar to MR (c) but deletes "or law firm."</p>
<p>KY Effective 7/15/09</p>	<p>Does not adopt</p>
<p>LA Effective 3/1/04</p>	<p>does not include (a) or (c) or (b)(3) and (4)</p> <p>breaks MR (b) into two parts, (a) and (b)</p> <p>(a) is similar to MR (b)(1)</p> <p>(b) is similar to MR (b)(2) but it only covers lawyer referral services that are operated by the state bar, a local bar, or any other not-for-profit organization. The lawyer referral service must meet these requirements:</p> <p>(i) refers all persons who request legal services to a participating lawyer;</p> <p>(ii) prohibits lawyers from increasing their fee to a client to compensate for the referral service charges; and</p> <p>(iii) fairly and equitably distributes referral cases among the participating</p> <p>* The 5th U.S. Circuit Court of Appeals found the LA Rules 7.2(C)(1)(D), 7.2(C)(1)(J), and 7.2(C)(10) unconstitutional, <i>Public Citizen Inc., et al. v. Louisiana Attorney Disciplinary Board, et al.</i>, No. 09-30925, 01-31-2011.</p>
<p>ME Effective 8/1/09</p>	<p>Same as MR</p>

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<p>MD Effective 7/1/05</p>	<p>the rule and comment contain a mixture of the old and new MRs (a): similar to old MR; changes reference to “7.3” to “7.3(b)”; changes “or through written or recorded communication” to “or through communication not involving personal contact.” retains old MR (b) which was deleted in new MR (c) is MR (b), except: (c)(2): deletes 2nd sentence and part of first sentence so it reads: pay the usual charges of a legal service plan or a not-for-profit lawyer referral service. (c)(4) similar to new MR (b)(4) but applies only to non-lawyer professionals. (d) is same as old MR (d) adds as (e): An advertisement or communication indicating that no fee will be charged in the absence of a recovery shall also disclose whether the client will be liable for any expenses. adds as (f): A lawyer, including a participant in an advertising group or lawyer referral service or other program involving communications concerning the lawyer's services, shall be personally responsible for compliance with the provisions of Rules 7.1, 7.2, 7.3, 7.4, and 7.5 and shall be prepared to substantiate such compliance.</p>
<p>MA Rules effective 9/1/08</p>	<p>(a) Deletes “and 7.3;” replaces language after “through” with “public media, such as a telephone directory, legal directory including an electronic or computer-accessed directory, newspaper or other periodical, outdoor advertising, radio or television, or through written communication not involving solicitation prohibited in Rule 7.3;” Adds: (b) A copy or recording of an advertisement or written communication shall be kept for two years after its last dissemination along with a record of when and where it was used. (c)(1) and (c)(3) are the same as MR (b)(1) and (b)(3); (c)(2) similar to MR (b)(2) but replaces language with: (2) <i>pay the usual charges of a not-for-profit lawyer referral service or legal service organization;</i> (c)(4) is similar to MR (b)(3) but replaces language with: (4) <i>pay referral fees permitted by Rule 1.5(e);</i> Adds: (c)(5) <i>share a statutory fee award or court-approved settlement in lieu thereof with a qualified legal assistance organization in accordance with Rule 5.4(a)(4).</i> (d) is the same as MR (c).</p>
<p>MI* Rules effective 10/1/88</p>	<p><i>*Made only partial amendments effective 1/1/2011 since the most recent amendments to the ABA Model Rules (amended Rules 3.1, 3.3, 3.4, 3.5, 3.6, 5.5, and 8.5 and adopted new Rules 2.4, 5.7, and 6.6.</i></p> <p>(a) <i>Subject to the provisions of these rules, a lawyer may advertise;</i> (b) A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used; (c) is the same as MR (b); (c)(ii) is similar to MR (c)(2) but changes language to: (ii) <i>participate in, and pay the usual charges of, a not-forprofit lawyer referral service or other legal service organization that satisfies the</i></p>

	<p><i>requirements of Rule 6.3(b); and;</i> Does not have MR (b)(4); Does not have MR (c).</p>
<p>MN Effective 10/1/05</p>	<p>(b)(2): deletes “or qualified” and deletes definition of qualified lawyer referral service. (c): deletes “and office address”</p>
<p>MS Effective 11/3/05</p>	<p>(a) An advertisement is an active quest for clients involving a public or non-public communication. The term "advertisement" includes, but is not limited to, communication by means of telephone, television, radio, motion picture, computer-accessed communication, newspaper, sign, directory, listing or through written communication.</p> <p>(b) A lawyer who advertises a specific fee or range of fees for a particular service shall honor the advertised fee or range of fees for at least 90 days unless the advertisement specifies a longer period; provided that for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.</p> <p>(c) All advertisements and written communications provided for under these rules shall disclose the geographic location by city and state of one or more offices of the lawyer or lawyers whose services are advertised or shall state that additional information about the lawyer or firm can be obtained by contacting the Mississippi Bar at a number designated by the Bar and included in the advertisement.</p> <p>(d) All advertisements and written communications pursuant to these Rules shall include the name of at least one lawyer or the lawyer referral service responsible for their content. A lawyer shall not advertise services under a name that violates the provisions of Rule 7.7.</p> <p>(e) No lawyer shall directly or indirectly pay all or a part of the cost of an advertisement by a lawyer not in the same firm unless the advertisement discloses the name and address of the nonadvertising lawyer, the relationship between the advertising lawyer and the nonadvertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the nonadvertising lawyer.</p> <p>(f) The following information in advertisements and written communications shall be presumed not to violate the provisions of Rule 7.1:</p> <p>(1) Subject to the requirements of this Rule and Rule 7.7, the name of the lawyer or law firm, a listing of lawyers associated with the firm, office addresses and telephone numbers, office and telephone service hours, and a designation such as "attorney" or "law firm."</p> <p>(2) Date of admission to The Mississippi Bar and any other Bars and a listing of federal courts and jurisdictions other than Mississippi where the lawyer is licensed to practice.</p> <p>(3) Foreign language ability.</p> <p>(4) Prepaid or group legal service plans in which the lawyer participates.</p> <p>(5) Acceptance of credit cards.</p> <p>(6) Fee for initial consultation and fee schedule, subject to the requirements of paragraph (b) of this Rule.</p> <p>(7) A listing of the name and geographic location by city and state of one or more</p>

	<p>offices of a lawyer or law firm as a sponsor of a public service announcement or charitable, civic or community program or event.</p> <p>(g) Nothing in this Rule prohibits the inclusion of the name of a lawyer or law firm in law lists and law directories intended primarily for the use of the legal profession of such information as has traditionally been included in these publications.</p> <p>(h) A copy or recording of an advertisement or written or recorded communication shall be submitted to the Office of General Counsel of the Mississippi Bar (hereinafter referred to as "OGCMB") in accordance with the provisions of Rule 7.5. The OGCMB shall retain a copy of such advertisement or communication for three (3) years from the date of submission. The lawyer shall retain a copy or recording for five (5) three (3) years after its last dissemination along with a record of when and where it was used.</p> <p>(i) The lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or a written or recorded communication permitted by these Rules and may pay the usual charges of a lawyer referral service or to other legal service organization.</p>
<p>MO Rule revised effective 7/1/10</p>	<p>(a) Deletes reference to Rule 7.3 and replaces language after "services through" with: "public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor advertising, radio, or television, or through direct mail advertising distributed generally to persons not <u>known</u> to need legal services of the kind provided by the lawyer in a particular matter;"</p> <p>Adds:</p> <p><i>(b) A copy or recording of an advertisement or <u>written</u> communication shall be kept for two years after its last dissemination along with a record of when and where it was used. The record shall include the name of at least one lawyer responsible for its content unless the advertisement or written communication itself contains the name of at least one lawyer responsible for its content.</i></p> <p>(c) is similar to MR (b);</p> <p>(c)(1) is similar to MR (b)(1) but changes "costs" to "cost," adds "written" before "communication;"</p> <p>Replaces (b)(2) through (4) with:</p> <p><i>(2) a lawyer may pay the reasonable cost of advertising, written communication, or other notification required in connection with the sale of a law practice as permitted by <u>Rule 4-1.17</u>; and</i></p> <p><i>(3) a lawyer may pay the usual charges of a qualified lawyer referral service registered under <u>Rule 4-9.1</u> or other not-for-profit legal services organization.</i></p> <p>Adds:</p> <p><i>(d) A lawyer may not, directly or indirectly, pay all or a part of the cost of an advertisement in the public media unless such advertisement discloses the name and address of the financing lawyer, the relationship between the advertising lawyer and the financing lawyer, and whether the advertising lawyer is likely to refer cases received through the advertisement to the financing lawyer. Similarly, in any communications such as television, radio, or other electronic programs purporting to give the public legal advice or</i></p>

legal information, for which programs the broadcaster receives any remuneration or other consideration, directly or indirectly, from the lawyer who appears on those programs, the lawyer shall conspicuously disclose to the public the fact that the broadcaster has been paid or receives consideration from the lawyer appearing on the program.

(e) A lawyer or [law firm](#) shall not advertise the existence of any office other than the principal office unless:

(1) that other office is staffed by a lawyer at least three days a week, or

(2) the advertisement states:

(A) the days and times during which a lawyer will be present at that office, or

(B) that meetings with lawyers will be by appointment only.

(f) Any advertisement or communication made pursuant to this Rule 4-7.2, other than [written](#) solicitations governed by the disclosure rules of [Rule 4-7.3\(b\)](#), shall contain the following conspicuous disclosure:

"The choice of a lawyer is an important decision and should not be based solely upon advertisements."

"Conspicuous" means that the required disclosure must be of such size, color, contrast, location, duration, cadence, or audibility that an ordinary person can readily notice, read, hear, or understand it.

(g) The disclosures required by Rule 4-7.2(e) and (f) need not be made if the information communicated is limited to the following:

(1) the name of the [law firm](#) and the names of lawyers in the firm;

(2) one or more fields of law in which the lawyer or law firm practices;

(3) the date and place of admission to the bar of state and federal courts; and

(4) the address, including e-mail and web site address, telephone number, and office hours.

(h) Any words or statements required by Rules 4-7.1, 4-7.2, or 4-7.3 to appear in an advertisement or direct mail communication must appear in the same language in which the advertisement or direct mail solicitation appears. If more than one language is used in an advertisement or direct mail communication, any words or statements required by Rules 4-7.1 to 4-7.6 must appear in each language used in the advertisement or direct mail communication.

(i) The provisions of Rule 4-7.2 shall not apply to services provided by 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.

The provisions of Rule 4-7.2 shall not apply to law firms or lawyers who promote, support or publicize through advertising that substantially and

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	<p><i>predominantly features any of the following: legal services corporation; community or other non-profit organization; recognized community events or celebrations; institutions; entities; or individuals other than themselves.</i></p> <p>Does not adopt MR (c).</p>
<p>MT Effective 4/1/04</p> <p>Changes effective 7/21/10</p>	<p>(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded, or electronic communication, including public media.</p> <p>(b) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may:</p> <ol style="list-style-type: none"> (1) pay the reasonable costs of advertisements or communications permitted by this Rule; (2) pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service A qualified lawyer referral service is a lawyer referral service that has been approved by an appropriate regulatory authority; and; (3) pay for a law practice in accordance with Rule 1.19. <p>(c) Any communication made pursuant to this rule shall include the name and office address of at least one lawyer or law firm responsible for its content.</p>
<p>NE Effective 9/1/05</p>	<p>Same as MR</p>
<p>NV Effective 5/1/06</p>	<p>(a) Subject to the requirements of Rule 7.1, a lawyer may advertise services through the public media, such as a telephone directory, legal directory, newspaper or other periodical, billboards and other signs, radio, television and recorded messages the public may access by dialing a telephone number, or through written communication not involving solicitation as prohibited by Rule 7.3.</p> <p>These Rules 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 the advertisement is not intended primarily for broadcast or dissemination within the State of Nevada.</p> <p>(b) Advertisements on the electronic media such as television and radio may contain the same factual information and illustrations as permitted in advertisements in the print media. If a person appears as a lawyer in an advertisement for legal services, or under such circumstances as may give the impression that the person is a lawyer, such person must be a member of the State Bar of Nevada, admitted to practice and in good standing before the Supreme Court of Nevada, and must be the lawyer who will actually perform the service advertised or a lawyer associated with the law firm that is advertising. If a person appears in an advertisement as an employee of a lawyer or law firm, such person must be an actual employee of the lawyer or law firm whose services are advertised unless the advertisement discloses that such person is an actor. If an actor appears in any other role not prohibited by these Rules, the advertisement must disclose that such person is an actor.</p> <p>(c) All advertisements and written communications disseminated pursuant to these Rules shall include the name of at least one lawyer or law firm responsible for their content.</p> <p>(d) Every advertisement and written communication that indicates one or more areas</p>

of law in which the lawyer or law firm practices shall conform to the requirements of Rule 7.4.

(e) Every advertisement and written communication indicating that the charging of a fee is contingent on outcome or that the fee will be a percentage of the recovery shall contain the following disclaimer: "You may have to pay the opposing party's attorney fees and costs in the event of a loss."

(f) A lawyer who advertises a specific fee or range of fees shall include all possible terms and fees, and the duration said fees are in effect. Such disclosures shall be presented with equal prominence. For advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.

(g) A lawyer may make statements describing or characterizing the quality of the lawyer's services in advertisements and written communications. However, such statements are subject to proof of verification, to be provided at the request of the state bar or a client or prospective client.

(h) The following information in advertisements and written communications shall be presumed not to violate the provisions of Rule 7.1:

(1) Subject to the requirements of this rule and Rule 7.5, the name of the lawyer or law firm, a listing of lawyers associated with the firm, office addresses and telephone numbers, office and telephone service hours, and a designation such as "attorney" or "law firm."

(2) Date of admission to the State Bar of Nevada and any other bars and a listing of federal courts and jurisdictions other than Nevada where the lawyer is licensed to practice.

(3) Technical and professional licenses granted by the state or other recognized licensing authorities.

(4) Foreign language ability.

(5) Fields of law in which the lawyer is certified or designated, subject to the requirements of Rule 7.4.

(6) Prepaid or group legal service plans in which the lawyer participates.

(7) Acceptance of credit cards.

(8) Fee for initial consultation and fee schedule, subject to the requirements of paragraphs (e) and (f) of this Rule.

(9) A listing of the name and geographic location of a lawyer or law firm as a sponsor of a public service announcement or charitable, civic or community program or event.

(i) Nothing in this Rule prohibits a lawyer or law firm from permitting the inclusion in law lists and law directories intended primarily for the use of the legal profession of such information as has traditionally been included in these publications.

(j) A copy or recording of an advertisement or written or recorded communication shall be submitted to the State Bar in accordance with Rule 7.2A and shall be retained by the lawyer or law firm which advertises for 4 years after its last dissemination along with a record of when and where it was used.

(k) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or written or recorded communication permitted by these Rules and may pay the usual

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	charges of a lawyer referral service or other legal service organization.
NH Effective 1/1/08	(b) Replaces everything after (b)(1) with: <i>(2) pay a fee charged by an organization that is recognized by the Internal Revenue Service as exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code; and</i> <i>(3) purchase a law practice in accordance with Rule 1.17.”</i>
NJ Effective 1/1/04	(a) Subject to the requirements of RPC 7.1, a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, radio or television, internet or other electronic media, or through mailed written communication. All advertisements shall be predominantly informational. No drawings, animations, dramatizations, music, or lyrics shall be used in connection with televised advertising. No advertisement shall rely in any way on techniques to obtain attention that depend upon absurdity and that demonstrate a clear and intentional lack of relevance to the selection of counsel; included in this category are all advertisements that contain any extreme portrayal of counsel exhibiting characteristics clearly unrelated to legal competence. (b) A copy or recording of an advertisement or written communication shall be kept for three years after its dissemination along with a record of when and where it was used. (c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that: (1) a lawyer may pay the reasonable cost of advertising or written communication permitted by this Rule; (2) a lawyer may pay the reasonable cost of advertising, written communication or other notification required in connection with the sale of a law practice as permitted by RPC 1.17; and (3) a lawyer may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.
NM Effective 11/2/09	Changed to Rule 16-702; (a) Renamed Paragraph “ A. Permitted advertising; ” Replaces “Rules 7.1 and 7.3” with “Rules 16-701 and 16-703 of the Rules of Professional Conduct;” (b) Renamed Paragraph “ B. Payments for referrals; ” (b)(3) Replaces “Rule 1.17” with “Rule 16-117 of the Rules of Professional Conduct;” (c) Renamed Paragraph “ C. Required information in communications. ”
NY Effective 4/1/09	<i>RULE 7.1: ADVERTISING</i> <i>(a) A lawyer or law firm shall not use or disseminate or participate in the use or dissemination of any advertisement that:</i> <i>(1) contains statements or claims that are false, deceptive or misleading; or</i> <i>(2) violates a Rule.</i> <i>(b) Subject to the provisions of paragraph (a), an advertisement may include information as to:</i> <i>(1) legal and nonlegal education; degrees and other scholastic distinctions; dates of admission to any bar; areas of the law in which the lawyer or law firm practices, as authorized by these Rules; public offices and teaching positions held; publications of law-related matters authored by the lawyer; memberships in bar associations or other professional societies or organizations, including offices and committee</i>

assignments therein; foreign language fluency; and bona fide professional ratings;

(2) names of clients regularly represented, provided that the client has given prior written consent;

(3) bank references; credit arrangements accepted; prepaid or group legal services programs in which the lawyer or law firm participates; nonlegal services provided by the lawyer or law firm or by an entity owned and controlled by the lawyer or law firm; the existence of contractual relationships between the lawyer or law firm and a nonlegal professional or nonlegal professional service firm, to the extent permitted by Rule 5.8, and the nature and extent of services available through those contractual relationships; and

(4) legal fees for initial consultation; contingent fee rates in civil matters, when accompanied by a statement disclosing the information required by paragraph (p); range of fees for legal and nonlegal services, provided that there be available to the public free of charge a written statement clearly describing the scope of each advertised service, hourly rates, and fixed fees for specified legal and nonlegal services.

(c) An advertisement shall not:

(1) include an endorsement of, or testimonial about, a lawyer or law firm from a client with respect to a matter that is still pending;

(2) include a paid endorsement of, or testimonial about, a lawyer or law firm without disclosing that the person is being compensated therefor;

(3) include the portrayal of a judge, the portrayal of a fictitious law firm, the use of a fictitious name to refer to lawyers not associated together in a law firm, or otherwise imply that lawyers are associated in a law firm if that is not the case;

(4) use actors to portray the lawyer, members of the law firm, or clients, or utilize depictions of fictionalized events or scenes, without disclosure of same;

(5) rely on techniques to obtain attention that demonstrate a clear and intentional lack of relevance to the selection of counsel, including the portrayal of lawyers exhibiting characteristics clearly unrelated to legal competence;

(6) be made to resemble legal documents; or

(7) utilize a nickname, moniker, motto or trade name that implies an ability to obtain results in a matter.

(d) An advertisement that complies with paragraph (e) may contain the following:

(1) statements that are reasonably likely to create an expectation about results the lawyer can achieve;

(2) statements that compare the lawyer's services with the services of other lawyers;

(3) testimonials or endorsements of clients, where not prohibited by paragraph (c)(1), and of former clients; or

(4) statements describing or characterizing the quality of the lawyer's or law firm's services.

	<p><i>(e) It is permissible to provide the information set forth in paragraph (d) provided:</i></p> <p><i>(1) its dissemination does not violate paragraph (a);</i></p> <p><i>(2) it can be factually supported by the lawyer or law firm as of the date on which the advertisement is published or disseminated; and</i></p> <p><i>(3) it is accompanied by the following disclaimer: "Prior results do not guarantee a similar outcome."</i></p> <p><i>(f) Every advertisement other than those appearing in a radio, television or billboard advertisement, in a directory, newspaper, magazine or other periodical (and any web sites related thereto), or made in person pursuant to Rule 7.3(a)(1), shall be labeled "Attorney Advertising" on the first page, or on the home page in the case of a web site. If the communication is in the form of a self-mailing brochure or postcard, the words "Attorney Advertising" shall appear therein. In the case of electronic mail, the subject line shall contain the notation "ATTORNEY ADVERTISING."</i></p> <p><i>(g) A lawyer or law firm shall not utilize:</i></p> <p><i>(1) a pop-up or pop-under advertisement in connection with computer-accessed communications, other than on the lawyer's or law firm's own web site or other Internet presence; or</i></p> <p><i>(2) meta-tags or other hidden computer codes that, if displayed, would violate these Rules.</i></p> <p><i>(h) All advertisements shall include the name, principal law office address and telephone number of the lawyer or law firm whose services are being offered.</i></p> <p><i>(i) Any words or statements required by this Rule to appear in an advertisement must be clearly legible and capable of being read by the average person, if written, and intelligible if spoken aloud. In the case of a web site, the required words or statements shall appear on the home page.</i></p> <p><i>(j) A lawyer or law firm advertising any fixed fee for specified legal services shall, at the time of fee publication, have available to the public a written statement clearly describing the scope of each advertised service, which statement shall be available to the client at the time of retainer for any such service. Such legal services shall include all those services that are recognized as reasonable and necessary under local custom in the area of practice in the community where the services are performed.</i></p> <p><i>(k) All advertisements shall be pre-approved by the lawyer or law firm, and a copy shall be retained for a period of not less than three years following its initial dissemination. Any advertisement contained in a computer-accessed communication shall be retained by the lawyer for a period of not less than one year. A copy of the contents of any web site covered by this Rule shall be preserved upon the initial publication of the web site, any major web site redesign, or a meaningful and extensive content change, but in no event less frequently than once every 90 days.</i></p> <p><i>(l) If a lawyer or law firm advertises a range of fees or an hourly rate for services, the lawyer or law firm shall not charge more than the fee</i></p>
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	<p><i>advertised for such services. If a lawyer or law firm advertises a fixed fee for specified legal services, or performs services described in a fee schedule, the lawyer or law firm shall not charge more than the fixed fee for such stated legal service as set forth in the advertisement or fee schedule, unless the client agrees in writing that the services performed or to be performed were not legal services referred to or implied in the advertisement or in the fee schedule and, further, that a different fee arrangement shall apply to the transaction.</i></p> <p><i>(m) Unless otherwise specified in the advertisement, if a lawyer publishes any fee information authorized under this Rule in a publication that is published more frequently than once per month, the lawyer shall be bound by any representation made therein for a period of not less than 30 days after such publication. If a lawyer publishes any fee information authorized under this Rule in a publication that is published once per month or less frequently, the lawyer shall be bound by any representation made therein until the publication of the succeeding issue. If a lawyer publishes any fee information authorized under this Rule in a publication that has no</i></p> <p><i>fixed date for publication of a succeeding issue, the lawyer shall be bound by any representation made therein for a reasonable period of time after publication, but in no event less than 90 days.</i></p> <p><i>(n) Unless otherwise specified, if a lawyer broadcasts any fee information authorized under this Rule, the lawyer shall be bound by any representation made therein for a period of not less than 30 days after such broadcast.</i></p> <p><i>(o) A lawyer shall not compensate or give anything of value to representatives of the press, radio, television or other communication medium in anticipation of or in return for professional publicity in a news item.</i></p> <p><i>(p) All advertisements that contain information about the fees charged by the lawyer or law firm, including those indicating that in the absence of a recovery no fee will be charged, shall comply with the provisions of Judiciary Law § 488(3).</i></p> <p><i>(q) A lawyer may accept employment that results from participation in activities designed to educate the public to recognize legal problems, to make intelligent selection of counsel or to utilize available legal services.</i></p> <p><i>(r) Without affecting the right to accept employment, a lawyer may speak publicly or write for publication on legal topics so long as the lawyer does not undertake to give individual advice.</i></p>
<p>NC Effective 3/1/03</p>	<p>(b)(2) pay the usual charges of a not-for-profit lawyer referral service that complies with Rule 7.2(d), or a prepaid or group legal services plan that complies with Rule 7.3(d); and</p> <p>Did not adopt MR (b)(4)</p> <p>(c): adds “other than that of a lawyer referral service as described in paragraph (d)” after “rule”</p> <p>Adds (d) A lawyer may participate in a lawyer referral service subject to the following conditions:</p> <p>(1) the lawyer is professionally responsible for its operation including the use of a false, deceptive, or misleading name by the referral service;</p>

	<p>(2) the referral service is not operated for a profit;</p> <p>(3) the lawyer may pay to the lawyer referral service only a reasonable sum which represents a proportionate share of the referral service's administrative and advertising costs;</p> <p>(4) the lawyer does not directly or indirectly receive anything of value other than legal fees earned from representation of clients referred by the service;</p> <p>(5) employees of the referral service do not initiate contact with prospective clients and do not engage in live telephone or in-person solicitation of clients;</p> <p>(6) the referral service does not collect any sums from clients or potential clients for use of the service; and</p> <p>(7) all advertisements by the lawyer referral service shall:</p> <p>(A) state that a list of all participating lawyers will be mailed free of charge to members of the public upon request and state where such information may be obtained; and</p> <p>(B) explain the method by which the needs of the prospective client are matched with the qualifications of the recommended lawyer.</p>
<p>ND Effective 8/1/06</p>	<p>(a) Subject to the requirements of Rule 7.1 and 7.3, a lawyer may market and advertise legal services through media, including published and on-line directories; newspapers, newsletters and other periodicals; outdoor advertising; electronic advertising, including radio, television, video and the Internet; and through text-based communications including written correspondence and e-mail.</p> <p>(b), same as previous MR except: replaces “shall” with “must,” adds “For written correspondence and e-mail, a lawyer shall retain for two years from the date of sending a list of addressees. When a lawyer uses recorded voice communications and transmits a communication by telephone call, the lawyer shall retain for two years from the date of the call a record of any telephone number called.”</p> <p>(c): replaces “shall” with “must”</p> <p>(d): same as previous MR (c)</p>
<p>OH Effective 2/1/07</p>	<p>Title: adds “and Recommendation of Professional Employment”</p> <p>(b): adds to end “pay any of the following”</p> <p>(b)(1), (2) and (4): deletes “pay”</p> <p>(b)(2): ends paragraph after “plan”</p> <p>Adds (b)(3) the usual charges for a nonprofit or lawyer referral service that complies with Rule XVI of the Supreme Court Rules for the Government of the Bar of Ohio;</p> <p>(b)(4): same as MR (b)(3). Did not adopt MR (b)(4)</p> <p>Adds (d) A lawyer shall not seek employment in connection with a matter in which the lawyer or law firm does not intend to participate actively in the representation, but that the lawyer or law firm intends to refer to other counsel. This provision shall not apply to organizations listed in Rules 7.2(b)(2) or (3) or if the advertisement is in furtherance of a transaction permitted by Rule 1.17.</p>
<p>OK Effective 1/1/08</p>	<p>(b) Adds “directly or indirectly” after “anything of value;”</p> <p>(b)(4) Adds clause: “without paying anything solely for the referral.”</p>
<p>OR Effective 12/1/06</p>	<p>(a) A lawyer may pay the cost of advertisements permitted by these rules and may hire employees or independent contractors to assist as consultants or advisors in marketing a lawyer's or law firm's services. A lawyer shall not otherwise compensate</p>

	<p>or give anything of value to a person or organization to promote, recommend or secure employment by a client, or as a reward for having made a recommendation resulting in employment by a client, except as permitted by paragraph (c) or Rule 1.17.</p> <p>(b) A lawyer shall not request or knowingly permit a person or organization to promote, recommend or secure employment by a client through any means that involves false or misleading communications about the lawyer or the lawyer's firm. If a lawyer learns that employment by a client has resulted from false or misleading communications about the lawyer or the lawyer's firm, the lawyer shall so inform the client.</p> <p>(c) A lawyer or law firm may be recommended, employed or paid by, or cooperate with, a prepaid legal services plan, lawyer referral service, legal service organization or other similar plan, service or organization so long as:</p> <p>(1) the operation of such plan, service or organization does not result in the lawyer or the lawyer's firm violating Rule 5.4, Rule 5.5, ORS 9.160, or ORS 9.500 through 9.520;</p> <p>(2) the recipient of legal services, and not the plan, service or organization, is recognized as the client;</p> <p>(3) no condition or restriction on the exercise of any participating lawyer's professional judgment on behalf of a client is imposed by the plan, service or organization; and</p> <p>(4) such plan, service or organization does not make communications that would violate Rule 7.3 if engaged in by the lawyer.</p>
PA Effective 7/1/06	<p>(a) Subject to the requirements of Rule 7.1, a lawyer may advertise services through written, recorded or electronic communications, including public media, not within the purview of Rule 7.3.</p> <p>(b) A copy or recording of an advertisement or written communication shall be kept for two years after its last dissemination along with a record of when and where it was used. This record shall include the name of at least one lawyer responsible for its content.</p> <p>(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay:</p> <p>(1) the reasonable cost of advertisements or communications permitted by this Rule</p> <p>(2) the usual charges of a lawyer referral service or other legal service organization; and</p> <p>(3) for a law practice in accordance with Rule 1.17.</p> <p>(d) No advertisement or public communication shall contain an endorsement by a celebrity or public figure.</p> <p>(e) An advertisement or public communication that contains a paid endorsement shall disclose that the endorser is being paid or otherwise compensated for his or her appearance or endorsement.</p> <p>(f) A non-lawyer shall not portray a lawyer or imply that he or she is a lawyer in any advertisement or public communication; nor shall an advertisement or public communication portray a fictitious entity as a law firm, use a fictitious name to refer to lawyers not associated together in a law firm, or otherwise imply that lawyers are associated together in a law firm if that is not the case.</p> <p>(g) An advertisement or public communication shall not contain a portrayal of a client by a non-client; the re-enactment of any events or scenes; or, pictures or persons, which are not actual or authentic, without a disclosure that such depiction is a dramatization.</p>

	<p>(h) Every advertisement that contains information about the lawyer's fee, shall be subject to the following requirements:</p> <p>(1) Advertisements that state or indicate that no fee shall 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.</p> <p>(2) A lawyer who advertises a specific fee or hourly rate or range of fees for a particular service shall honor the advertised fee for at least ninety (90) days; provided that for advertisements in media published annually, the advertised fee shall be honored for no less than one (1) year following initial publication unless otherwise stated as part of the advertisement.</p> <p>(i) All advertisements and written communications shall disclose the geographic location, by city or town, of the office in which the lawyer or lawyers who will actually perform the services advertised principally practice law. If the office location is outside the city or town, the county in which the office is located must be disclosed.</p> <p>(j) A lawyer shall not, directly or indirectly (whether through an advertising cooperative or otherwise), pay all or any part of the costs of an advertisement by a lawyer not in the same firm or by any for-profit entity other than the lawyer's firm, unless the advertisement discloses the name and principal office address of each lawyer or law firm involved in paying for the advertisement and, if any lawyer or law firm will receive referrals from the advertisement, the circumstances under which referrals will be made and the basis and criteria on which the referral system operates.</p> <p>(k) A lawyer shall not, directly or indirectly, advertise that the lawyer or his or her law firm will only accept, or has a practice limited to, particular types of cases unless the lawyer or his or her law firm handles, as a principal part of his, her or its practice, all aspects of the cases so advertised from intake through trial. If a lawyer or law firm advertises for a particular type of case that the lawyer or law firm ordinarily does not handle from intake through trial, that fact must be disclosed. A lawyer or law firm shall not advertise as a pretext to refer cases obtained from advertising to other lawyers.</p>
RI Effective 4/15/07	<p>Adds:</p> <p><i>(b) A copy of each print advertisement (other than yellow page advertisements), a recording of each radio advertisement, and a videotape of each television advertisement shall be sent to the Supreme Court Disciplinary Counsel prior to or within 48 hours of the first dissemination of such advertisement and another copy of each print advertisement (including yellow page advertisement), recording of each radio advertisement and videotape of each television advertisement shall be retained by the lawyer for three years after its last dissemination along with a record of when and where it was used.</i></p> <p>(c) is similar to MR (b), but:</p> <p>(c)(2) deletes language after "referral service;"</p> <p>(d) is the same as MR (c);</p> <p>Adds:</p> <p><i>(e) Lawyer advertising or written communications which indicate that no fee will be charged if no recovery, shall also state conspicuously if the client will be responsible for costs or expenses regardless of outcome.</i></p> <p><i>(f) Any lawyer or law firm who advertises that his or her practice includes or concentrates in particular fields of law and then refers the majority of cases</i></p>

	<p><i>in those fields of law or of that type to another lawyer, law firm or group of lawyers shall clearly state the following disclaimer:</i></p> <ol style="list-style-type: none"><i>1. "Most cases of this type are not handled by this firm, but are referred to other attorneys.", or if applicable:</i><i>2. "While this firm maintains joint responsibility, most cases of this type are referred to other attorneys for principal responsibility."</i>
SC Effective 10/1/05	<p>adds as (b): A lawyer is responsible for the content of any advertisement or solicitation placed or disseminated by the lawyer and has a duty to review the advertisement or solicitation prior to its dissemination to reasonably ensure its compliance with the Rules of Professional Conduct. A copy of every advertisement or communication subject to this Rule, except for those which contain only directory information and are not disseminated through the public media, shall be filed with the Commission on Lawyer Conduct within ten (10) days after the advertisement or communication is first published, broadcast, transmitted, or otherwise disseminated to the public, together with a fee of \$50.00. A copy or recording of every advertisement or communication shall be kept for two (2) years after its last dissemination along with a record of when and where it was disseminated.</p> <p>(c) same as MR (b) except does not include definition of qualified lawyer referral service in (2) and does not include MR (b)(4)</p> <p>adds as (d): Any communication made pursuant to this Rule shall include the name and office address of at least one lawyer responsible for its content.</p> <p>adds as (e): No lawyer shall, directly or indirectly, pay all or a part of the cost of an advertisement by a lawyer not in the same firm unless the advertisement discloses the name and address of the nonadvertising lawyer, the relationship between the advertising lawyer and the nonadvertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the nonadvertising lawyer.</p> <p>adds as (f): A lawyer shall not make statements in advertisements or written communications which are merely self laudatory or which describe or characterize the quality of the lawyer's services; provided that this provision shall not apply to information furnished to a prospective client at that person's request or to information supplied to existing clients.</p> <p>adds as (g): Every advertisement that contains information about the lawyer's fee shall disclose whether the client will be liable for any expenses in addition to the fee and, if the fee will be a percentage of the recovery, whether the percentage will be computed before deducting the expenses.</p> <p>adds as (h): A lawyer who advertises a specific fee or range of fees for a particular service shall honor the advertised fee or fee range for at least ninety (90) days following dissemination of the advertisement, unless the advertisement specifies a shorter period; provided that a fee advertised in a publication which is issued not more than annually, shall be honored for one (1) year following publication.</p> <p>adds as (i): All advertisements shall disclose the geographic location, by city or town, of the office in which the lawyer or lawyers who will actually perform the services advertised principally practice law. If the office location is outside a city or town, the county in which the office is located must be disclosed. A lawyer referral service</p>

	shall disclose the geographic area in which the lawyer practices when a referral is made.
SD Effective 1/1/04	<p>Rule 7.2. Advertising.</p> <p>(a) Definition. “Lawyer” is defined in Rule 7.1(a)(2).</p> <p>(b) Permitted Advertising. Subject to the requirements of Rules 7.1 and 7.3, 7.4 and 7.5, a lawyer may advertise legal services through written, recorded, internet, computer, e-mail or other electronic communication, including public media, such as a telephone directory, legal directory, newspapers or other periodicals, billboards and other signs, radio, television and other electronic media, and recorded messages the public may access by dialing a telephone number, or through other written or recorded communication. This rule shall not apply to any advertisement which is 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 reasonably expected by the lawyer not to be received or disseminated in the State of South Dakota.</p> <p>(c) Record of Advertising. A copy or recording of an advertisement shall be kept by the advertising lawyer for two years after its last dissemination along with a record of when and where it was used.</p> <p>(d) Prohibited Payments. Except as provided in Rule 1.17 and except as provided in subparagraph (c)(13) of Rule 7.1, a lawyer shall not give anything of value to a person for recommending the lawyer’s services, except that a lawyer may:</p> <ol style="list-style-type: none"> (1) pay the reasonable costs of advertisements or communications permitted by this Rule and may pay the usual charges of a not-for-profit legal service organization; (2) pay the usual charges of a not-for-profit 501(c)(3) or 501(c)(6) qualified lawyer referral service. A qualified lawyer referral service is a lawyer referral service that has been approved by an appropriate regulatory authority; (3) pay for a law practice in accordance with Rule 1.17. <p>Any communication made pursuant to this rule shall include the name and office address of at least one lawyer or law firm responsible for its content.</p> <p>(e) Prohibited Cost Sharing. No lawyer shall, directly or indirectly, pay all or part of the cost of an advertisement by another lawyer with whom the nonadvertising lawyer is not associated in a partnership, professional corporation or limited liability company for the practice of law, unless the advertisement conspicuously discloses the name and address of the nonadvertising lawyer, and conspicuously discloses whether the advertising lawyer contemplates referring all or any part of the representation of a client obtained through the advertisement to the nonadvertising lawyer.</p> <p>(f) Permissible Content.</p>

	<p>The following information in advertisements and written communications shall be presumed not to violate the provisions of this Rule 7.2:</p> <ol style="list-style-type: none">(1) Subject to the requirements of Rule 7.5, the name of the lawyer, a listing of lawyers associated with the lawyer for the practice of law, office addresses and telephone numbers, office and telephone service hours, and a designation such as “lawyer,” “attorney,” “law firm,” “partnership” or “professional corporation,” or “limited liability company.”(2) Date of admission to the South Dakota bar and any other bar association and a listing of federal courts and jurisdictions where the lawyer is licensed to practice.(3) Technical and professional licenses granted by the State of South Dakota or other recognized licensing authorities.(4) Foreign language ability.(5) Fields of law in which the lawyer is certified subject to the requirements of Rule 7.4.(6) Prepaid or group legal service plans in which the lawyer participates.(7) Acceptance of credit cards.(8) Information concerning fees and costs, or the availability of such information on request, subject to the requirements of this Rule 7.2 and the other Rules of Professional Conduct.(9) A listing of the name and geographic location of a lawyer as a sponsor of a public service announcement or charitable, civic or community program or event. Such listings shall not exceed the traditional description of sponsors of or contributors to the charitable, civic or community program or event or public service announcement, and such listing must comply with the provisions of this rule and the other Rules of Professional Conduct.(10) Schools attended, with dates of graduation, degree and other scholastic distinctions.(11) Public or quasi-public offices.(12) Military service.(13) Legal authorships.(14) Legal teaching positions.(15) Memberships, offices and committee assignments in bar associations.(16) Memberships and offices in legal fraternities and legal societies.(17) Memberships in scientific, technical and professional associations and societies.(18) Names and addresses of bank references.(19) With their written consent, names of clients regularly represented.(20) Office and telephone answering service hours. <p>(g) Permissible Fee Information.</p> <ol style="list-style-type: none">(1) Advertisements permitted under this Rule 7.2 may contain information about fees for services as follows:<ol style="list-style-type: none">(i) the fee charged for an initial consultation;(ii) availability upon request of a written schedule of fees or an estimate of fees to be charged for specific legal services;
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	<ul style="list-style-type: none">(iii) that the charging of a fee is contingent on outcome or that the fee will be a percentage of the recovery, provided that the advertisement conspicuously discloses whether percentages are computed before or after deduction of costs, and only if it specifically and conspicuously states that the client will bear the expenses incurred in the client's representation, regardless of outcome, except as permitted by Rule 1.8(e);(iv) the range of fees for services, provided that the advertisement conspicuously discloses that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each client, that the quoted fee will be available only to clients whose legal representation is within the services described in the advertisement, and the client is entitled without obligation to an estimate of the fee within the range likely to be charged;(v) the hourly rate, provided that the advertisement conspicuously discloses that the total fee charge will depend upon the number of hours which must be devoted to the particular matter to be handled for each client, and that the client is entitled without obligation to an estimate of the fee likely to be charged;(vi) fixed fees for specific legal services, provided that the advertisement conspicuously discloses that the quoted fee will be available only to a client seeking the specific services described. <p>(2) A lawyer who advertises a specific fee, range of fees or hourly rate for a particular service shall honor the advertised fee or rate for at least ninety (90) days unless the advertisement conspicuously specifies a shorter period; provided, for advertisements in the yellow pages of telephone directories or other media not published more frequently than annually, the advertised fee or range of fees shall be honored for no less than one year following publication.</p> <p>(h) Electronic Media. Advertisements by electronic media, such as television and radio, may contain the same information as permitted in advertisements by print media, subject to the following requirements:</p> <ul style="list-style-type: none">(1) if a lawyer advertises by electronic media and a person appears in the advertisement purporting to be a lawyer, such person shall in fact be the advertising lawyer or a lawyer employed full-time by the advertising lawyer; and(2) if a lawyer advertises a particular legal service by electronic media, and a person appears in the advertisement purporting to be or implying that the person is the lawyer who will render the legal service, the person appearing in the advertisement shall be the lawyer who will actually perform the legal service advertised unless the advertisement conspicuously discloses that the person appearing in the advertisement is not the person who will perform the legal service advertised.(3) Advertisements disseminated by electronic media shall be prerecorded and the prerecorded communication shall be reviewed and approved by
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	<p>the lawyer before it is broadcast.</p> <p>(i) Law Directories. Nothing in this Rule 7.2 prohibits a lawyer from permitting the inclusion in reputable directories intended primarily for the use of the legal profession or institutional consumers of legal services and contains such information as has traditionally been included in such publications.</p> <p>(j) Acceptance of Employment. A lawyer shall not accept employment when he knows or should know that the person who seeks his services does so as a result of conduct prohibited under this Rule 7.2.</p> <p>(k) Lawyers Responsible for Advertising. Every lawyer associated in the practice of law with or employed by the lawyer which causes or makes an advertising in violation of this rule may be subject to discipline for the failure of the advertisement to comply with the requirements of this rule.</p> <p>(l) Mandatory Disclosure. Every lawyer shall, in any written or media advertisements, disclose the absence of professional liability insurance if the lawyer does not have professional liability insurance having limits of at least \$100,000, using the specific language required in Rule 1.4(c)(1) or (2).</p>
TN Effective 1/1/2011	<p>(a) Changes “Rules 7.1 and 7.3” to “paragraphs (b) through (d) below and RPC 7.1, 7.3, 7.4, and 7.5;” Adds: <i>(b) A copy or recording of each advertisement shall be retained by the lawyer for two years after its last dissemination along with a record of when and where the advertisement appeared.</i></p> <p>(c) is similar to MR (b) but replaces “except that a lawyer may” with “except that a lawyer may pay for the following:” <i>(1) the reasonable costs of advertisements permitted by this Rule;</i> <i>(2) the usual charges of a registered intermediary organization as permitted by RPC 7.6;</i> <i>(3) a sponsorship fee or a contribution to a charitable or other non-profit organization in return for which the lawyer will be given publicity as a lawyer; or</i> <i>(4) a law practice in accordance with RPC 1.17.</i></p> <p>Adds (d): <i>Except for communications by registered intermediary organizations, any advertisement shall include the name and office address of at least one lawyer or law firm assuming responsibility for the communication.</i></p>
TX* Effective 3/1/05	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>Does not have.</p>
UT Effective 11/1/05	<p>replaces (b)(2) with: pay the usual charges of a legal service plan or a lawyer referral service.</p> <p>replaces (b)(4) with: divide a fee with another lawyer as permitted by Rule 1.5(e).</p>
VT	<p>(b)(2) Changes “an appropriate regulatory authority” to “any appropriate regulatory</p>

Effective 9/1/09	authority designated by the Supreme Court.”
VA Effective 1/1/04	<p>(a): adds to end “In the determination of whether an advertisement violates this Rule, the advertisement shall be considered in its entirety, including any qualifying statements or disclaimers contained therein. Notwithstanding the requirements of Rule 7.1, an advertisement violates this Rule if it:”</p> <p>adds (a)(1) contains an endorsement by a celebrity or public figure who is not a client of the firm without disclosure (i) of the fact that the speaker is not a client of the lawyer or the firm, and (ii) whether the speaker is being paid for the appearance or endorsement; or</p> <p>(2) contains a portrayal of a client by a non-client without disclosure that the depiction is a dramatization; or</p> <p>(3) advertises specific or cumulative case results, without a disclaimer that (i) puts the case results in a context that is not misleading; (ii) states that case results depend upon a variety of factors unique to each case; and (iii) further states that case results do not guarantee or predict a similar result in any future case undertaken by the lawyer. The disclaimer shall precede the communication of the case results. When the communication is in writing, the disclaimer shall be in bold type face and uppercase letters in a font size that is at least as large as the largest text used to advertise the specific or cumulative case results and in the same color and against the same colored background as the text used to advertise the specific or cumulative case results.</p> <p>(b) A recording of the actual electronic media advertisement shall be approved by the lawyer prior to its broadcast and retained by the lawyer for a period of one year following the last broadcast date, along with a record of when and where it was used, which recording and date shall be provided to the Standing Committee on Lawyer Advertising and Solicitation upon its request.</p> <p>(c): same as MR (b)</p> <p>(c)(1): same as MR (b)(1)</p> <p>(c)(2): same as former MR</p> <p>(c)(3): same as MR (b)(3)</p> <p>Does not have MR (b)(4)</p> <p>(d) A written or e-mail communication that bears the lawyer’s or firm’s name and the purpose of which in whole or in part is an initial contact to promote employment for a fee, sent to a prospective non-lawyer client who is not:</p> <p>(1) a close friend, relative, current client, former client; or</p> <p>(2) one who has initiated contact with the attorney; or</p> <p>(3) one who is similarly situated with a current client of the attorney with respect to a specific matter being handled by the attorney, to the extent that the prospective client’s rights may be reasonably expected to be materially affected by the outcome of the matter;</p> <p>shall be identified by conspicuous display of the statement in upper case letters “ADVERTISING MATERIAL.”</p> <p>The required statement shall be displayed in the lower left hand corner of the address portion of the communication in type size at least equal to the largest type used on the communication and also on the front of the first page of the communication in type</p>

	<p>size at least equal to the largest type used on the page. Further, in the case of e-mail advertising or solicitation, the header shall also display the statement, in uppercase letters, "ADVERTISING MATERIAL." Further, any such written communication shall not be sent by registered mail or other forms of restricted delivery, nor shall such written communication be sent to any person who has made known to the lawyer a desire not to receive communications from the lawyer. Lawyers who advertise or solicit by e-mail shall include instructions of how the recipient of such communications may notify the sender that they wish not to receive such communications in the future. This paragraph does not apply to any communication which is directed to be sent by a court or tribunal, or otherwise required by law. (e) Advertising made pursuant to this Rule shall include the full name and office address of an attorney licensed to practice in Virginia who is responsible for its content or, in the alternative, a law firm may file with the Virginia State Bar a current written statement identifying the responsible attorney for the law firm's advertising and its office address, and the firm shall promptly notify the Virginia State Bar in writing of any change in status.</p>
<p>WA Effective 9/1/06</p>	<p>(b)(2): deletes "or qualified" and second sentence (b)(4): deletes "or a nonlawyer professional"</p>
<p>WV* Effective 1/1/89</p>	<p><i>*Has not amended Rule since the most recent amendments to the ABA Model Rules</i></p> <p>(a) Replaces language after "services through" with "public media, such as a telephone directory, legal directory, newspaper or other periodical, outdoor advertising, radio or television, or through written or recorded communication;" (b) <i>A copy or recording of an advertisement or communication shall be kept for two years after its last dissemination along with a record of when and where it was used.</i> (c) is similar to MR (b), combined with subparagraphs, but replaces "A qualified...authority; and" with "or other legal service organization;" Does not have MR (b)(4); Does not have MR (c).</p>
<p>WI Effective 7/1/07</p>	<p>(b)(4)(ii) the client gives informed consent; Adds (b)(4)(iii) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and Adds (b)(4)(iv) information relating to representation of a client is protected as required by SCR 20:1.6.</p>
<p>WY Effective 7/1/06</p>	<p>(a) Subject to the requirements of Rule 7.1, a lawyer may advertise services. The services may be advertised through public media, such as a telephone directory, Internet, legal directory, newspaper or other periodical, outdoor sign or billboard, radio or television, or through written or electronic communication. Advertisements shall not involve solicitation as defined in Rule 7.3. Adds: (b) A copy or recording of an advertisement or communication shall be kept for four years after its last dissemination along with a record of when and where it was used. Adds: (c) Any of the following information in advertisements and written or electronic communications shall be presumed to be in compliance with the provisions</p>

<p>of Rule 7.1, and the disclaimer required by Rule 7.2(g) need not be included.</p> <p>(1) Subject to the requirements of Rule 7.1 and Rule 7.2, the name of the lawyer or law firm, a listing of lawyers associated with the firm, office addresses and telephone numbers, and facsimile number. E-mail addresses, office and telephone service hours, and a designation such as "attorney" or "law firm."</p> <p>(2) Date of admission to the Wyoming State Bar and other bars and a listing of federal courts and jurisdictions other than Wyoming where the lawyer is licensed to practice.</p> <p>(3) Technical and professional licenses granted by the state or other recognized licensing authorities.</p> <p>(4) Foreign language ability.</p> <p>(5) Prepaid or group legal service plans in which the lawyer participates.</p> <p>(6) Acceptance of credit cards.</p> <p>(7) Fee for initial consultation and fee schedule.</p> <p>(8) A listing of the name and geographic location of a lawyer or law firm as a sponsor of a public service announcement or charitable, civic or community program or event.</p> <p>(d) and (d)(1) – (3): same as MR (b) and (b)(1) – (3)</p> <p>Does not have MR (b)(4)</p> <p>(e): same as MR (c)</p> <p>Adds: (f) Advertisements on electronic media such as television, radio and the Internet may contain the same factual information and illustrations as permitted in advertisements in the print media. If a person appears or speaks as a lawyer in an advertisement for legal services, or under such circumstance as may give the impression that the person is a lawyer, such person must be a member of the Wyoming State Bar, admitted to practice and in good standing before the Wyoming Supreme Court and must be the lawyer who will actually perform the service advertised or a lawyer associated with the law firm which is advertising. If a person appears in an advertisement as an employee of a lawyer or law firm, such person must be an actual employee of the lawyer or law firm whose services are advertised. If an actor appears in any other role not prohibited by these rules, the advertisement must disclose such person is an actor.</p> <p>Adds: (g) Except as permitted by Rule 7.4, advertisement containing information in addition to that set forth in Rule 7.2(c) shall contain the following disclaimer: The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. The disclaimer must appear within the advertisement itself, or in the instance of a telephone or other directory, upon the same or the facing page as the advertisement appears. The disclaimer shall be in a type size at least as large as the smallest type size appearing in the advertisement.</p> <p>Adds: (h) There shall be no testimonials, endorsements, or dramatizations in any advertisement in any medium.</p> <p>Adds: (i) A lawyer shall not advertise services under a name that violates the provisions of Rule 7.5.</p> <p>Adds: (j) Nothing in Rule 7.2 prohibits a lawyer or law firm from the inclusion in reputable law lists and law directories such information as has traditionally been</p>

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	included in such lists or directories. Adds: (k) This rule shall not apply to public service advertisements disseminated by the Wyoming State Bar, Wyoming Trial Lawyers, or other non-profit associations.
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