<table>
<thead>
<tr>
<th>State</th>
<th>Description</th>
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<tr>
<td><strong>American Bar Association</strong>&lt;br&gt;&lt;br&gt;<strong>CPR Policy Implementation Committee</strong>&lt;br&gt;&lt;br&gt;Variations of the ABA Model Rules of Professional Conduct</td>
<td><strong>RULE 7.1: COMMUNICATIONS CONCERNING A LAWYER'S SERVICES</strong>&lt;br&gt;&lt;br&gt;A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading. Variations from ABA Model Rule are noted. Comments not included.</td>
</tr>
<tr>
<td><strong>ALABAMA</strong></td>
<td>A lawyer shall not make or cause to be made a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it: (a) Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; (b) Is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; (c) Compares the quality of the lawyer's services with the quality of other lawyers' services, except as provided in Rule 7.4; or (d) communicated the certification of the lawyer by a certifying organization, except as provided in Rule 7.4. Last accessed on 02/22/20 here: <a href="http://judicial.alabama.gov/library/RulesBarConduct">http://judicial.alabama.gov/library/RulesBarConduct</a></td>
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<tr>
<td><strong>ALASKA</strong></td>
<td>A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services or any prospective client’s need for legal services. A communication is false or misleading if it: (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; (b) is likely to create a reasonable but unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or (c) compares the lawyer’s services with other lawyers’ services, unless the comparison can be factually substantiated. Last accessed on 02/22/20 here:</td>
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<td>State</td>
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<tr>
<td>ARIZONA</td>
<td>A lawyer shall not make or knowingly permit to be made on the lawyer's behalf a false or misleading communication about the lawyer or the lawyer's services.</td>
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<tr>
<td>ARKANSAS</td>
<td>A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:</td>
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<tr>
<td>CALIFORNIA</td>
<td>MR 7.1 is California (a). Adds: (b) The Board of Trustees of the State Bar may formulate and adopt standards as to communications that will be presumed to violate rule 7.1, 7.2, 7.3, 7.4 or 7.5. The standards shall only be used as presumptions affecting the burden of proof in disciplinary proceedings involving alleged violations of these rules. “Presumption affecting the burden of proof” means that presumption defined in Evidence Code sections 605 and 606. Such standards formulated and adopted by the Board, as from time to time amended, shall be effective and binding on all lawyers.</td>
</tr>
<tr>
<td>COLORADO</td>
<td>(a) A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it: (1) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; (2) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated; or (3) is likely to create an unjustified expectation about results the lawyer can achieve; (b) No lawyer shall, directly or indirectly, pay all or a part of the cost of communications concerning a lawyer's services by a lawyer not in the same firm unless the communication discloses the name and address of the non-advertising lawyer, the</td>
</tr>
</tbody>
</table>
relationship between the advertising lawyer and the non-advertising lawyer, and
whether the advertising lawyer may refer any case received through the advertisement
to the non-advertising lawyer.

(c) Unsolicited communications concerning a lawyer's services mailed to prospective
clients shall be sent only by regular U.S. mail, not by registered mail or other forms of
restricted delivery, and shall not resemble legal pleadings or other legal documents.

(d) Any communication that states or implies the client does not have to pay a fee if
there is no recovery shall also disclose that the client may be liable for costs. This
provision does not apply to communications that only state that contingent or
percentage fee arrangements are available, or that only state the initial consultation is
free.

(e) A lawyer shall not knowingly permit, encourage or assist in any way employees,
agents or other persons to make communications on behalf of the lawyer or the law
firm in violation of this Rule or Rules 7.2 through 7.4.

(f) In connection with the sale of a private law practice under Rule 1.17, an opinion of
the purchasing lawyer's suitability and competence to re

 CONNECTICUT  
Same as MR  

 DELAWARE  
Same as MR  

 DISTRICT OF COLUMBIA  
(a) A lawyer shall not make a false or misleading communication about the lawyer or
the lawyer’s services. A communication is false or misleading if it:

  1. Contains a material misrepresentation of fact or law, or omits a fact necessary to
     make the statement considered as a whole not materially misleading; or

  2. Contains an assertion about the lawyer or the lawyer’s services that cannot be
     substantiated.

(b) A lawyer shall not seek by in-person contact, employment (or employment of a
partner or associate) by a nonlawyer who has not sought the lawyer’s advice regarding
employment of a lawyer, if:

  1. The solicitation involves use of a statement or claim that is false or misleading,
     within the meaning of paragraph (a);

  2. The solicitation involves the use of coercion, duress or harassment; or

  3. The potential client is apparently in a physical or mental condition which would
     make it unlikely that the potential client could exercise reasonable, considered
     judgment as to the selection of a lawyer.

(c) A lawyer shall not pay money or give anything of material value to a person (other
than the lawyer's partner or employee) in exchange 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 and reasonable fees or dues charged by a legal service plan or a lawyer referral service;
   (3) Pay for a law practice in accordance with Rule 1.17; and
   (4) Refer clients to another lawyer or 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:
      (A) The reciprocal agreement is not exclusive, and
      (B) The client is informed of the existence and nature of the agreement.

(d) A lawyer shall not knowingly assist an organization that furnishes or pays for legal services to others to promote the use of the lawyer’s services or those of the lawyer’s partner or associate, or any other lawyer affiliated with the lawyer or the lawyer’s firm, as a private practitioner, if the promotional activity involves the use of coercion, duress, compulsion, intimidation, threats, or vexatious or harassing conduct.

(e) No lawyer or any person acting on behalf of a lawyer shall solicit or invite or seek to solicit any person for purposes of representing that person for a fee paid by or on behalf of a client or under the Criminal Justice Act, D.C. Code Ann. §11-2601 (2001) et seq., in any present or future case in the District of Columbia Courthouse, on the sidewalks on the north, south, and west sides of the courthouse, or within 50 feet of the building on the east side.

(f) Any lawyer or person acting on behalf of a lawyer who solicits or invites or seeks to solicit any person incarcerated at the District of Columbia Jail, the Correctional Treatment Facility or any District of Columbia juvenile detention facility for the purpose of representing that person for a fee paid by or on behalf of that person or under the Criminal Justice Act, D.C. Code Ann. §11-2601 (2001) et seq., in any then-pending criminal case in which that person is represented, must provide timely and adequate notice to the person’s then-current lawyer prior to accepting any fee from or on behalf of the incarcerated person.


**FLORIDA**

Analogous rule is Rule 4-7.13 Deceptive and Inherently Misleading Advertisements

A lawyer may not engage in deceptive or inherently misleading advertising.

(a) Deceptive and Inherently Misleading Advertisements. An advertisement is deceptive or inherently misleading if it:
   (1) contains a material statement that is factually or legally inaccurate;
   (2) omits information that is necessary to prevent the information supplied from being misleading; or
   (3) implies the existence of a material nonexistent fact.
(b) Examples of Deceptive and Inherently Misleading Advertisements. Deceptive or inherently misleading advertisements include, but are not limited to advertisements that contain:

(1) statements or information that can reasonably be interpreted by a prospective client as a prediction or guaranty of success or specific results;
(2) references to past results unless the information is objectively verifiable, subject to rule 4-7.14;
(3) comparisons of lawyers or statements, words or phrases that characterize a lawyer’s or law firm’s skills, experience, reputation or record, unless such characterization is objectively verifiable;
(4) references to areas of practice in which the lawyer or law firm does not practice or intend to practice at the time of the advertisement;
(5) a voice or image that creates the erroneous impression that the person speaking or shown is the advertising lawyer or a lawyer or employee of the advertising firm. The following notice, prominently displayed would resolve the erroneous impression: “Not an employee or member of law firm”;
(6) a dramatization of an actual or fictitious event unless the dramatization contains the following prominently displayed notice: “DRAMATIZATION. NOT AN ACTUAL EVENT.” When an advertisement includes an actor purporting to be engaged in a particular profession or occupation, the advertisement must include the following prominently displayed notice: “ACTOR. NOT ACTUAL [ . . . . ]”;
(7) statements, trade names, telephone numbers, Internet addresses, images, sounds, videos or dramatizations that state or imply that the lawyer will engage in conduct or tactics that are prohibited by the Rules of Professional Conduct or any law or court rule;
(8) a testimonial:
   (A) regarding matters on which the person making the testimonial is unqualified to evaluate;
   (B) that is not the actual experience of the person making the testimonial;
   (C) that is not representative of what clients of that lawyer or law firm generally experience;
   (D) that has been written or drafted by the lawyer;
   (E) in exchange for which the person making the testimonial has been given something of value; or
   (F) that does not include the disclaimer that the prospective client may not obtain the same or similar results;
(9) a statement or implication that The Florida Bar has approved an advertisement or a lawyer, except a statement that the lawyer is licensed to practice in Florida or has been certified pursuant to chapter 6, Rules Regulating the Florida Bar; or
(10) a judicial, executive, or legislative branch title, unless accompanied by clear modifiers and placed subsequent to the person’s name in reference to a current, former or retired judicial, executive, or legislative branch official currently engaged in the practice of law. For example, a former judge may not state “Judge Doe (retired)” or “Judge Doe, former circuit judge.” She may state “Jane Doe, Florida Bar member, former circuit judge” or “Jane Doe, retired circuit judge....”
As of January 30, 2020

| GEORGIA | A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. By way of illustration, but not limitation, a communication is false or misleading if it:

(1) contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading;
(2) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Georgia Rules of Professional Conduct or other law;
(3) compares the lawyer's services with other lawyers' services unless the comparison can be factually substantiated;
(4) fails to include the name of at least one lawyer responsible for its content;
(5) or contains any information regarding contingent fees, and fails to conspicuously present the following disclaimer:

"Contingent attorneys' fees refers only to those fees charged by attorneys for their legal services. Such fees are not permitted in all types of cases. Court costs and other additional expenses of legal action usually must be paid by the client."
(6) contains the language "no fee unless you win or collect" or any similar phrase and fails to conspicuously present the following disclaimer:

"No fee unless you win or collect" [or insert the similar language used in the communication] refers only to fees charged by the attorney. Court costs and other additional expenses of legal action usually must be paid by the client. Contingent fees are not permitted in all types of cases.

(b) A public communication for which a lawyer has given value must be identified as such unless it is apparent from the context that it is such a communication.

(c) A lawyer retains ultimate responsibility to insure that all communications concerning the lawyer or the lawyer's services comply with the Georgia Rules of Professional Conduct.

The maximum penalty for a violation of this rule is disbarment.

| HAWAII | A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or

(c) compares the lawyer's services with other lawyer's services, unless the comparison can be factually substantiated.

Last accessed on 1/22/2020 here: [https://www.courts.state.hi.us/docs/court_rules/rules/hrpcond.htm#Rule%207.2](https://www.courts.state.hi.us/docs/court_rules/rules/hrpcond.htm#Rule%207.2)

**IDAHO**

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;

(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the rules of professional conduct or other law; or

(c) compares the lawyer's services with other lawyer's services, unless the comparison can be factually substantiated.


**ILLINOIS**

Same as MR


**INDIANA**

Same as MR

Last accessed on 1/22/2020 here: [https://www.in.gov/judiciary/rules/prof_conduct/#_Toc532909543](https://www.in.gov/judiciary/rules/prof_conduct/#_Toc532909543)

**IOWA**

Same as MR - Rule 32:7:1

Last accessed on 1/22/2020 here: [https://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/12-31-2012.32.pdf](https://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/12-31-2012.32.pdf)

**KANSAS**

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it:

(a) Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement as a whole materially misleading;

(b) Is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the rules of professional conduct or other law; or

(c) Compares the lawyers’ services with other lawyer’s services, unless the comparison can be factually substantiated.


**KENTUCKY**

Rule 3.130(7.10)

Same as MR but adds “deceptive” as qualifier to communication.
<table>
<thead>
<tr>
<th>LOUSIANA</th>
<th>Rule 7.2(c)</th>
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<tr>
<td>(1) <strong>Statements About Legal Services.</strong> A lawyer shall not make or permit to be made a false, misleading or deceptive communication about the lawyer, the lawyer’s services or the law firm’s services. A communication violates this Rule if it:</td>
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<tr>
<td>(A) contains a material misrepresentation of fact or law;</td>
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<td>(B) is false, misleading or deceptive;</td>
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<td>(C) fails to disclose material information necessary to prevent the information supplied from being false, misleading or deceptive;</td>
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<tr>
<td>(D) contains a reference or testimonial to past successes or results obtained, except as allowed in the Rule regulating information about a lawyer’s services provided upon request; (Suspended)</td>
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<td>(E) promises results;</td>
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<td>(F) states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;</td>
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<td>(G) compares the lawyer’s services with other lawyers’ services, unless the comparison can be factually substantiated; contains a paid testimonial or endorsement, unless the fact of payment is disclosed;</td>
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<td>(I) includes (i) a portrayal of a client by a non-client without disclaimer of such, as required by Rule 7.2(c)(10); (ii) the depiction of any events or scenes, other than still pictures, photographs or other static images, that are not actual or authentic without disclaimer of such, as required by Rule 7.2(c)(10); or (iii) a still picture, photograph or other static image that, due to alteration or the context of its use, is false, misleading or deceptive;</td>
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<td>(J) the portrayal of a lawyer by a non-lawyer, the portrayal of a law firm as a fictionalized entity, the use of a fictitious name to refer to lawyers not associated together in a law firm, or otherwise implies that lawyers are associated in a law firm if that is not the case;</td>
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<td>(K) resembles a legal pleading, notice, contract or other legal document;</td>
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<td>(L) utilizes a nickname, moniker, motto or trade name that states or implies an ability to obtain results in a matter; or</td>
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<td>(M) fails to comply with Rule 1.8(e)(4)(iii).</td>
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<tr>
<td>(2) <strong>Prohibited Visual and Verbal Portrayals and Illustrations.</strong> A lawyer shall not include in any advertisement or unsolicited written communication any visual or verbal descriptions, depictions, illustrations (including photographs) or portrayals of persons, things, or events that are false, misleading or deceptive.</td>
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<td>(3) <strong>Advertising Areas of Practice.</strong> A lawyer or law firm shall not state or imply in advertisements or unsolicited written communications that the lawyer or law firm currently practices in an area of practice when that is not the case.</td>
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<td>(4) <strong>Stating or Implying Louisiana State Bar Association Approval.</strong> 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 Louisiana State Bar Association.</td>
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</table>
(5) **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 may state that the lawyer is a "specialist," practices a "specialty," or "specializes in" particular fields, but such communications are subject to the "false and misleading" standard applied in Rule 7.2(c)(1) to communications concerning a lawyer's services. A lawyer shall not state or imply that the lawyer is "certified," or "board certified" except as follows:

(A) **Lawyers Certified by the Louisiana Board of Legal Specialization.** A lawyer who complies with the Plan of Legal Specialization, as determined by the Louisiana Board of Legal Specialization, may inform the public and other lawyers of the lawyer's certified area(s) of legal practice. Such communications should identify the Louisiana Board of Legal Specialization as the certifying organization and may state that the lawyer is "certified," or "board certified in (area of certification)."

(B) **Lawyers Certified by Organizations Other Than the Louisiana Board of Legal Specialization or Another State Bar.** A lawyer certified by an organization other than the Louisiana Board of Legal Specialization 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," or "board certified in (area of certification)" if:

(i) the lawyer complies with Section 6.2 of the Plan of Legal Specialization for the Louisiana Board of Legal Specialization; and,

(ii) the lawyer includes the full name of the organization in all communications pertaining to such certification. A lawyer who has been certified by an organization that is accredited by the American Bar Association is not subject to Section 6.2 of the Plan of Legal Specialization.

(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," or "board certified in (area of certification)" if:

(i) the state bar program grants certification on the basis of standards reasonably comparable to the standards of the Plan of Legal Specialization, as determined by the Louisiana Board of Legal Specialization; and,

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

(6) **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 costs and/or expenses in addition to the fee.

Last accessed on 1/22/2020 here:
https://www.ladb.org/Material/Publication/ROPC/ROPC.pdf

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<th>State</th>
<th>Notes</th>
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<td>MAINE</td>
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<td>MARYLAND</td>
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<td>State</td>
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<td>Last accessed as of January 30, 2020</td>
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| Massachusetts | A lawyer may, on the lawyer's own behalf, on behalf of a partner or associate, or on behalf of any other lawyer affiliated with the lawyer or the lawyer's law firm, use or participate in the use of any form of public communication that is not false, fraudulent, misleading, or deceptive. A communication shall not:  
(a) contain a material misrepresentation of fact or law, or omit a fact necessary to make the statement considered as a whole not materially misleading;  
(b) be likely to create an unjustified expectation about results the lawyer can achieve, or state or imply that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or  
(c) compare the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated. | https://www.mass.gov/supreme-judicial-court-rules/rules-of-professional-conduct-rule-72-advertising |
| Michigan | A lawyer may, on the lawyer's own behalf, on behalf of a partner or associate, or on behalf of any other lawyer affiliated with the lawyer or the lawyer's law firm, use or participate in the use of any form of public communication that is not false, fraudulent, misleading, or deceptive. A communication shall not:  
(a) contain a material misrepresentation of fact or law, or omit a fact necessary to make the statement considered as a whole not materially misleading;  
(b) be likely to create an unjustified expectation about results the lawyer can achieve, or state or imply that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or  
(c) compare the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated. | https://bit.ly/2SRCHNb |
| Minnesota | A lawyer shall not make or permit to be made a false, misleading, deceptive or unfair communication about the lawyer or lawyer's services. A communication violates this rule if it:  
(a) Contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading, or  
(b) Creates an unjustified, false or misleading expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate these rules or other law; or  
(c) states or implies that the lawyer is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official; or  
(d) Compares the lawyer's services with other lawyers' services unless the comparison can be factually substantiated. | https://www.revisor.mn.gov/court_rules/pr/subtype/cond/id/7.1/ |
| Mississippi | A lawyer shall not make or permit to be made a false, misleading, deceptive or unfair communication about the lawyer or lawyer's services. A communication violates this rule if it:  
(a) Contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading, or  
(b) Creates an unjustified, false or misleading expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate these rules or other law; or  
(c) states or implies that the lawyer is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official; or  
(d) Compares the lawyer's services with other lawyers' services unless the comparison can be factually substantiated. | https://courts.ms.gov/research/rules/msrulesofcourt/rules_of_professional_conduct.pdf |
| Missouri | A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false if it contains a material misrepresentation of fact or law. A communication is misleading if it: | https://courts.ms.gov/research/rules/msrulesofcourt/rules_of_professional_conduct.pdf |
(a) omits a fact as a result of which the statement considered as a whole is materially misleading;

(b) is likely to create an unjustified expectation about results the lawyer can achieve;

(c) proclaims results obtained on behalf of clients, such as the amount of a damage award or the lawyer’s record in obtaining favorable verdicts or settlements, without stating that past results afford no guarantee of future results and that every case is different and must be judged on its own merits;

(d) states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;

(e) compares the quality of a lawyer's or a law firm’s services with other lawyers' services, unless the comparison can be factually substantiated;

(f) advertises for a specific type of case concerning which the lawyer has neither experience nor competence;

(g) indicates an area of practice in which the lawyer routinely refers matters to other lawyers, without conspicuous identification of such fact;

(h) contains any paid testimonial about or endorsement of the lawyer, without conspicuous identification of the fact that payment has been made for the testimonial or endorsement;

(i) contains any simulated portrayal of a lawyer, client, victim, scene, or event without conspicuous identification of the fact that it is a simulation;

(j) provides an office address for an office staffed only part-time or by appointment only, without conspicuous identification of such fact; or

(k) states that legal services are available on a contingent or no-recovery-no-fee basis without stating conspicuously that the client may be responsible for costs or expenses, if that is the case.

The presumptions that statements are misleading contained in Rule 4-7.1(c), (g), (h), and (k) shall not apply to a not-for-profit organization funded in whole or in part by the Legal Services Corporation established by 42 U.S.C section 2996(b) or to pro bono services provided free of charge by a not-for-profit organization, a court-annexed program, a bar association, or an accredited law school.

Last accessed on 1/24/2020 here: https://www.courts.mo.gov/page.jsp?id=707
<table>
<thead>
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<th>State</th>
<th>Law on False or Misleading Communication</th>
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<tbody>
<tr>
<td>MONTANA</td>
<td>A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false if it contains a material misrepresentation of fact or law. A misleading communication includes, but is not limited to those that: (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement, considered in light of all of the circumstances, not materially misleading; (b) is likely to create an unjustified expectation about results the lawyer can achieve; (c) proclaims results obtained on behalf of clients, such as the amount of a damage award or the lawyer’s record in obtaining favorable verdicts or settlements, without stating that past results afford no guarantee of future results and that every case is different and must be judged on its own merits; (d) states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; (e) compares the quality of a lawyer’s or a law firm’s services with other lawyers’ services, unless the comparison can be factually substantiated; (f) advertises for a specific type of case concerning which the lawyer has neither experience nor competence; (g) indicates an area of practice in which the lawyer routinely refers matters to other lawyers, without conspicuous identification of such fact; (h) contains any paid testimonial about, or endorsement of, the lawyer without conspicuous identification of the fact that payments have been made for the testimonial or endorsement; (i) contains any simulated portrayal of a lawyer, client, victim, scene, or event without conspicuous identification of the fact that it is a simulation; (j) provides an office address for an office staffed only part time or by appointment only, without conspicuous identification of such fact; (k) states that legal services are available on a contingent or no-recovery, no-fee basis without stating conspicuously that the client may be responsible for costs or expenses, if that is the case; or (l) advertises for legal services without identifying the jurisdictions in which the lawyer is licensed to practice.</td>
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<tr>
<td>NEBRASKA</td>
<td>Same as MR</td>
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<td>Last accessed on 1/24/2020 <a href="https://supremecourt.nebraska.gov/supreme-court-rules/chapter-3-attorneys-practice-law/article-5-nebraska-rules-professional-conduct/%C2%A7%C2%A7-3-5071-3-5075-information-about-legal-services/%C2%A7-3-5071-communications-concerning-lawyers-services">here</a></td>
</tr>
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<td>NEVADA</td>
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<td></td>
<td>Last accessed on 1/24/2020 <a href="https://www.leg.state.nv.us/CourtRules/RPC.html">here</a></td>
</tr>
<tr>
<td>NEW HAMPSHIRE</td>
<td>A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. Without limiting the generality of the foregoing, a communication is false or misleading if it: (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement, considered in light of all of the circumstances, not materially misleading;</td>
</tr>
</tbody>
</table>
As of January 30, 2020

| NEW JERSEY | (a) A lawyer shall not make false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement. A communication is false or misleading if it:

(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the rules of professional conduct or other law; or

(c) compares the lawyer’s services with other lawyers’ services, unless the comparison can be factually substantiated.

Last accessed on 1/24/2020 here: https://www.courts.state.nh.us/rules/pcon/pcon-7_1.htm

| | (b) It shall be unethical for a lawyer to use an advertisement or other related communication known to have been disapproved by the Committee on Attorney Advertising, or one substantially the same as the one disapproved, until or unless modified or reversed by the Advertising Committee or as provided by Rule 1:19A-3(d). |
| NEW MEXICO | A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if: it contains a material misrepresentation of fact or law; omits a fact necessary to make the statement considered as a whole not materially misleading; or contains a testimonial about, or endorsement of, the lawyer that is misleading. Last accessed on 1/24/2020 here: https://casetext.com/rule/new-mexico-court-rules/new-mexico-rules-of-professional-conduct/article-7-information-about-legal-services/rule-16-701-communications-concerning-a-lawyers-services |
| NEW YORK | (a) A lawyer or law firm shall not use or disseminate or participate in the use or dissemination of any advertisement that:

1. contains statements or claims that are false, deceptive or misleading; or
2. violates a Rule.

(b) Subject to the provisions of paragraph (a), an advertisement may include information as to:

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 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 a paid endorsement of, or testimonial about, a lawyer or law firm without disclosing that the person is being compensated therefor;
2. include 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;
(3) use actors to portray a judge, the lawyer, members of the law firm, or clients, or utilize depictions of fictionalized events or scenes, without disclosure of same;
(4) be made to resemble legal documents.

(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, and of former clients; or
(4) statements describing or characterizing the quality of the lawyer’s or law firm’s services.

(e) It is permissible to provide the information set forth in paragraph (d) provided:
(1) its dissemination does not violate paragraph (a);
(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
(3) it is accompanied by the following disclaimer: “Prior results do not guarantee a similar outcome”; and
(4) in the case of a testimonial or endorsement from a client with respect to a matter still pending, the client gives informed consent confirmed in writing.

(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.”

(g) A lawyer or law firm shall not utilize meta-tags or other hidden computer codes that, if displayed, would violate these Rules.

(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) 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.

(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.

(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 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.

(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 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.

(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 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.

(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.

(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.

(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).

(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.
(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.  
Last accessed on 1/24/2020 here:  

### NORTH CAROLINA

(a) A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

1. contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
2. is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or
3. compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated.

(b) A communication by a lawyer that contains a dramatization depicting a fictional situation is misleading unless it complies with paragraph (a) above and contains a conspicuous written or oral statement, at the beginning and the end of the communication, explaining that the communication contains a dramatization and does not depict actual events or real persons.

Last accessed on 1/24/2020 here:  

### NORTH DAKOTA

A lawyer shall not make a false or misleading communication about the lawyer, a person professionally associated with the lawyer, or their services. A communication is false or misleading if it:

(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;
(c) compares the lawyer with other lawyers, unless the comparison can be factually substantiated; or
(d) compares the lawyer's services with other lawyers' services based on the lawyer having received an honor or accolade, unless:
1. the name of the comparing organization is stated, and
2. the basis for the comparison can be substantiated.

Last accessed on 1/24/2020 here:  
https://www.ndcourts.gov/legal-resources/rules/ndrprofconduct/7-1

### OHIO

A lawyer shall not make or use a false, misleading, or nonverifiable communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading.

Last accessed on 1/24/2020 here
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<th>State</th>
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<tr>
<td>RHODE ISLAND</td>
<td>A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:</td>
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<td></td>
<td>(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;</td>
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<td>(b) contains any testimonial about, or endorsement of, the lawyer without identifying the fact that it is a testimonial or endorsement, and if payment for the testimonial or endorsement has been made, that fact must also be disclosed. If the testimonial or endorsement is not made by an actual client that fact must also be identified. If the testimonial or endorsement appears in a televised advertisement, the foregoing disclosures and identifications must appear continuously throughout the advertisement;</td>
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<td></td>
<td>(c) contains a dramatization or simulated description of the lawyer, partners or associates, offices or facilities, or services without identifying the fact that the description is a simulation or dramatization. If the dramatization or simulated description appears in a televised advertisement, the fact that it is a dramatization or simulated description must appear continuously throughout the advertisement.</td>
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<tr>
<td>SOUTH CAROLINA</td>
<td>A lawyer shall not make false, misleading, or deceptive communications about the lawyer or the lawyer's services. A communication violates this rule if it:</td>
<td></td>
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<tr>
<td></td>
<td>(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;</td>
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<td></td>
<td>(b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;</td>
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<td></td>
<td>(c) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated;</td>
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<tr>
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<td>(d) contains a testimonial about, or endorsement of, the lawyer</td>
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<td></td>
<td>(1) without identifying the fact that it is a testimonial or endorsement;</td>
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<td>(2) for which payment has been made, without disclosing that fact;</td>
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<td>(3) which is not made by an actual client, without identifying that fact; and</td>
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<td>(4) which does not clearly and conspicuously state that any result the endorsed lawyer or law firm may achieve on behalf of one client in one matter does not necessarily indicate similar results can be obtained for other clients.</td>
<td></td>
</tr>
</tbody>
</table>

18
As of January 30, 2020

(e) contains a nickname, moniker, or trade name that implies an ability to obtain results in a matter.

Last accessed on 1/24/2020 here:
https://www.sccourts.org/courtReg/displayRule.cfm?ruleID=407.0&subRuleID=RULE 7.1&ruleType=APP

SOUTH DAKOTA

(a) Definitions.
For the purpose of this Rule 7.1, the following terms shall have the following meanings:

(1) “communication” means any message or offer made by or on behalf of a lawyer concerning the availability of the lawyer for professional employment which is directed to any former, present, or prospective client, including, but not limited to, the following:
   (i) any use of firm name, trade name, fictitious name, or other professional designation of such lawyer;
   (ii) any stationery, letterhead, business card, sign, brochure, or other comparable written material describing such lawyer;
   (iii) any advertisement, regardless of medium, of such lawyer, directed to the general public or any significant portion thereof; or
   (iv) any unsolicited correspondence from a lawyer directed to any person or entity; and

(2) “lawyer” means an individual lawyer and any association of lawyers for the practice of law, including a partnership, a professional corporation, limited liability company or any other association.

(b) Purpose of Communications.
All communications shall be predominantly informational. As used in this Rule 7.1, “predominantly informational” means that, in both quantity and quality, the communication of factual information rationally related to the need for and selection of a lawyer predominates and that the communication includes only a minimal amount of content designed to attract attention to and create interest in the communication.

(c) False or Misleading Communications.
A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

(1) contains a material misrepresentation of fact or law, or omits a fact necessary to make the communication considered as a whole not materially misleading;

(2) contains a prediction, warranty or guarantee regarding the future success of representation by the lawyer or is likely to create an unjustified expectation about results the lawyer can achieve;

(3) contains an opinion, representation, implication or self-laudatory statement regarding the quality of the lawyer’s legal services which is not susceptible of reasonable verification by the public;

(4) contains information based on the lawyer’s past success without a disclaimer that past success cannot be an assurance of future success because each case must be decided on its own merits;
<p>| | |</p>
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<tbody>
<tr>
<td>(5)</td>
<td>compares the lawyer’s services with other lawyers’ services, unless the comparison can be factually substantiated;</td>
</tr>
<tr>
<td>(6)</td>
<td>states or implies that the lawyer actually represents clients in a particular area of practice when the lawyer refers a significant number of such clients to other lawyers for representation with respect to all or a significant aspect of the particular practice area;</td>
</tr>
<tr>
<td>(7)</td>
<td>states or implies that the lawyer is experienced in a particular area of practice unless significant experience in such practice area can be factually substantiated;</td>
</tr>
<tr>
<td>(8)</td>
<td>states or implies that the lawyer is in a position to improperly influence any court or other public body or office;</td>
</tr>
<tr>
<td>(9)</td>
<td>states or implies the existence of a relationship between the lawyer and a government agency or instrumentality;</td>
</tr>
<tr>
<td>(10)</td>
<td>states or implies that the lawyer has a relationship to any other lawyer unless such relationship in fact exists and is close, personal, continuous and regular;</td>
</tr>
<tr>
<td>(11)</td>
<td>fails to contain the name and address by city or town of the lawyer whose services are described in the communication;</td>
</tr>
<tr>
<td>(12)</td>
<td>contains a testimonial about or endorsement of the lawyer, unless the lawyer can factually substantiate the claims made in the testimonial or endorsement and unless such communication also contains an express disclaimer substantively similar to the following: “This testimonial or endorsement does not constitute a guaranty, warranty, or prediction regarding the outcome of your legal matter”;</td>
</tr>
<tr>
<td>(13)</td>
<td>contains a testimonial or endorsement about the lawyer for which the lawyer has directly or indirectly given or exchanged anything of value to or with the person making the testimonial or giving the endorsement, unless the communication conspicuously discloses that the lawyer has given or exchanged something of value to or with the person making the testimonial or giving the endorsement;</td>
</tr>
<tr>
<td>(14)</td>
<td>contains a testimonial or endorsement which is not made by an actual client of the lawyer, unless that fact is conspicuously disclosed in the communication;</td>
</tr>
<tr>
<td>(15)</td>
<td>contains any impersonation, dramatization, or simulation which is not predominantly informational and without conspicuously disclosing in the communication the fact that it is an impersonation, dramatization, or simulation;</td>
</tr>
<tr>
<td>(16)</td>
<td>fails to contain disclaimers or disclosures required by this Rule 7.1 or the other Rules of Professional Conduct;</td>
</tr>
<tr>
<td>(17)</td>
<td>contains any other material statement or claim that cannot be factually substantiated.</td>
</tr>
</tbody>
</table>

(d) Lawyers Responsible for Communication.
Every lawyer associated in the practice of law with or employed by the lawyer which causes or makes a communication in violation of this rule may be subject to discipline for the failure of the communication to comply with the requirements of this rule.
**TENNESSEE**  
As of January 30, 2020

<table>
<thead>
<tr>
<th>TENNESSEE</th>
<th>Same as MR</th>
<th>Last accessed on 1/24/2020 <a href="http://www.tsc.state.tn.us/rules/supreme-court/8">here</a></th>
</tr>
</thead>
</table>

**TEXAS**  
Texas Rule 7.02  
(a) A lawyer shall not make or sponsor a false or misleading communication about the qualifications or the services of any lawyer or firm. A communication is false or misleading if it:

1. contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
2. contains any reference in a public media advertisement to past successes or results obtained unless (i) the communicating lawyer or member of the law firm served as lead counsel in the matter giving rise to the recovery, or was primarily responsible for the settlement or verdict,
   (ii) the amount involved was actually received by the client,
   (iii) the reference is accompanied by adequate information regarding the nature of the case or matter and the damages or injuries sustained by the client, and
   (iv) if the gross amount received is stated, the attorney’s fees and litigation expenses withheld from the amount are stated as well;
3. is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate these rules or other law;
4. compares the lawyer’s services with other lawyers’ services, unless the comparison can be substantiated by reference to verifiable, objective data;
5. states or implies that the lawyer is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official;
6. designates one or more specific areas of practice in an advertisement in the public media or in a solicitation communication unless the advertising or soliciting lawyer is competent to handle legal matters in each such area of practice; or
7. uses an actor or model to portray a client of the lawyer or law firm.

(b) Rule 7.02(a)(6) does not require that a lawyer be certified by the Texas Board of Legal Specialization at the time of advertising in a specific area of practice, but such certification shall conclusively establish that such lawyer satisfies the requirements of Rule 7.02(a)(6) with respect to the area(s) of practice in which such lawyer is certified.

(c) A lawyer shall not advertise in the public media or state in a solicitation communication that the lawyer is a specialist except as permitted under Rule 7.04.

(d) Any statement or disclaimer required by these rules shall be made in each language used in the advertisement or solicitation communication with respect to which such required statement or disclaimer relates; provided however, the mere statement that a particular language is spoken or understood shall not alone result in the need for a statement or disclaimer in that language.

**UTAH**  
A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

 Last accessed on 1/24/2020 [here](http://www.tsc.state.tn.us/rules/supreme-court/8)
(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
(b) is likely to create an unjustified or unreasonable expectation about results the lawyer can achieve or has achieved; or
(c) contains a testimonial or endorsement that violates any portion of this Rule.

<table>
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<th>State</th>
<th>Description</th>
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<th>Source</th>
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<td><a href="#">here</a></td>
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<td>VIRGINIA</td>
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<td>1/24/2020</td>
<td><a href="#">here</a></td>
</tr>
<tr>
<td>WASHINGTON</td>
<td>Same as MR</td>
<td>1/24/2020</td>
<td><a href="#">here</a></td>
</tr>
<tr>
<td>WEST VIRGINIA</td>
<td>Same as MR</td>
<td>1/24/2020</td>
<td><a href="#">here</a></td>
</tr>
<tr>
<td>WISCONSIN</td>
<td>A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it: (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; (b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or (c) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated; or (d) contains any paid testimonial about, or paid endorsement of, the lawyer without identifying the fact that payment has been made or, if the testimonial or endorsement is not made by an actual client, without identifying that fact.</td>
<td>1/24/2020</td>
<td><a href="#">here</a></td>
</tr>
<tr>
<td>WYOMING</td>
<td>Same as MR</td>
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