

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #20-02303-A Letter Mailed to Local Attorneys and Businesses

Pursuant to Practice Book §2-28B, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, reviewed a request for an advisory opinion filed on March 13, 2020. The proposed print advertisement is a letter to be sent by the requesting attorney to “local attorneys and businesses in the financial services industry.” This reviewing committee concludes that the proposed advertisement does not comply with the Rules of Professional Conduct.

The proposed letter provides information to other professionals about the requesting attorney’s services as an “Insolvency Attorney focusing on consumer and business debt.” The letter recites details about the attorney’s work history and lists a dozen representative samples which summarize the types of cases the attorney has handled. The letter has letterhead at the top with the name of the firm and contact information along with the name of the attorney and email address. A badge for the publication “*Super Lawyers*®” is placed above the attorney’s name on the left top side of the page. At the bottom of the second page is the federally required bankruptcy disclosure under 11 USC § 528. This reviewing committee offers no opinion as to whether or not this communication complies with the federal Bankruptcy Code advertising rules.

The proposed advertisement complies with Rule 7.2(d) of the Rules of Professional Conduct and provides the name of an attorney admitted in Connecticut who will be responsible for

content. Pursuant to Rule 7.2(i) of the Rules of Professional Conduct, the above referenced information which references the lawyer's phone number and address is presumed not to violate the provisions of Rule 7.1 of the Rules of Professional Conduct, and therefore is not false or misleading.

Since the proposed advertisement is a direct mailing to other professionals, the advertisement qualifies for exemption from the advertising filing requirements pursuant to Practice Book Section 2-28A (b) (5) (B). The proposed advertisement does not need to be filed with the Statewide Grievance Committee under the mandatory filing requirements of Practice Book Section 2-28A.

At the top of the letter, the attorney displays a badge advertising selection to *Super Lawyers*® in 2019. We have addressed the use of the *Super Lawyers*® designation in attorney advertisements in Advisory Opinions #07-00188-A, #07-00776-A and #12-03903 available at http://www.jud.ct.gov/sgc/Adv_opinions/default.htm. Those advisory opinions are incorporated by reference into this advisory opinion, and the proposed print advertisement needs to comply with the requirements outlined in those opinions.

Since the title of the *Super Lawyers*® designation is a superlative comment on an attorney's services, as outlined in our advisory opinions, information about the selection process employed by the ranking publication should accompany the advertising of selection to *Super Lawyers*®. The publisher has created a specific Connecticut selection information page to service as a disclaimer. The Connecticut selection information page is found on the *Super Lawyer's*® website at: http://www.superlawyers.com/connecticut/selection_details.html. In the case of a print

advertisement this URL or website address should be placed near the *Super Lawyers*® designation, which can be accomplished by use of a parentheses, asterisk or footnote referencing the selection information URL. The information about *Super Lawyers*® should also list the year and the practice area for which the attorney was chosen as outlined in the previous referenced advisory opinions.

Accordingly, this reviewing committee opines that the advertisement does not comply with the Rules of Professional Conduct because the proposed advertisement does not provide the above described selection information and details about selection to *Super Lawyers*®...

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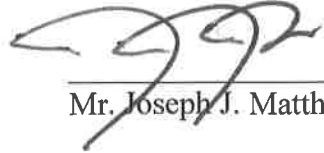
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Attorney Agustin Sevillano


Attorney Wendy A. Grispin

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Mr. Joseph J. Matthews