

## STATEWIDE GRIEVANCE COMMITTEE



### **Advisory Opinion #13-06957-A Print Advertisement Soliciting Plaintiffs for Class Action Rules 1.5(e) and 7.2(h) and Referral of Cases**

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 October 3, 2013. The proposed print advertisement will solicit clients who have booked hotel accommodations through a national website in the last two years. The advertisement will be placed in one or more Connecticut newspapers for a period of two to four weeks. The reviewing committee concluded that the proposed advertisement complies with the Rules of Professional Conduct.

The proposed advertisement provides the following information: on the top line is the name of the national website; underneath is a query whether the reader has booked a hotel room in the past two years; followed by an invitation to contact the requesting attorney to discuss a potential claim against the website. The name of the requesting attorney and the town and phone number of the firm are listed last.

The print advertisement contains the name of the attorney who submitted the advertisement for an advisory opinion and is therefore in compliance with Rule 7.2(d) of the Rules of Professional Conduct, because it provides the name of at least one attorney admitted in Connecticut who is responsible for its content.

The attorney, in his request for an advisory opinion, provided additional information that

he is partnering with attorneys in a “national” law firm on cases received as a result of the proposed advertisement. The attorney indicates that he will pay all the costs of advertisement. As a result, if the national firm does not provide any of the advertising costs, the attorney does not need to disclose the name of the national firm pursuant to Rule 7.2(h) of the Rules of Professional Conduct. Rule 7.2(h) provides that if an attorney shares the costs of advertising with an attorney not in the same firm, the name and address of that attorney(s) shall be provided in the advertisement along with the fact that the cases may be referred.

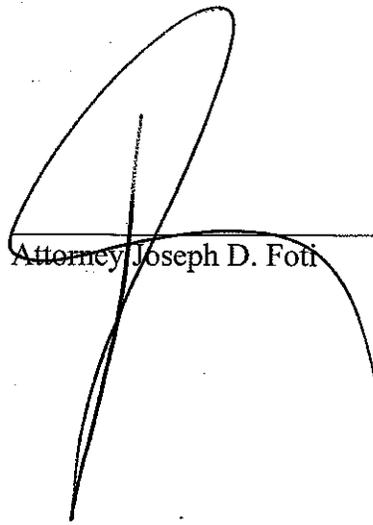
Even though the fact that the cases will be referred does not need to be provided in the proposed advertisement, the attorney needs to comply with Rule 1.5(e) before entering into the representation of clients obtained from the advertisement. Rule 1.5(e) provides the attorney shall disclose in writing to the client that there is a division of fees between lawyers not in the same firm, along with the compensation sharing agreement and the participation of all the lawyers involved. The client must not object to the arrangement and the total fee must be reasonable.

Attorney advertising is subject to the requirements of Rule 7.1 of the Rules of Professional Conduct and cannot be misleading. This reviewing committee concluded that there are no statements in the proposed advertisement that are misleading under Rule 7.1. Accordingly, this reviewing committee opines that the advertisement complies with the Rules of Professional Conduct.

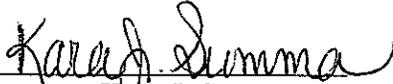
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Attorney Joseph D. Foti

  
Attorney Kara J. Summa

*Ms. Joan Gill*  

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Ms. Joan Gill