

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #13-06958-A Print Advertisement Soliciting Plaintiffs for Class Action Rule 7.2(h) Shared Advertising 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 is very similar to the advertisement which is the subject of Advisory Opinion #13-06958-A, with the addition of language concerning the referral of potential claims or cases. The proposed print advertisement provides the following information: on the top line is the name of the national hotel booking 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 against the website. The name of the requesting attorney and the town and phone number of the firm are listed next. The last section of the proposed advertisement states that "cases will be handled in association with" and lists the name and address of a law firm located in Alabama.

The proposed 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 a “national” law firm on cases received as a result of the proposed advertisement. The attorney indicates that the national firm will pay for some or all of the costs of the advertisement and he will not be referring the cases outright, but rather work with the national firm on the cases.

Cases that may be referred by the submitting attorney to other attorneys or another firm, who will share the costs of advertising, must disclose that information pursuant to Rule 7.2(h) of the Rules of Professional Conduct. Rule 7.2(h) provides:

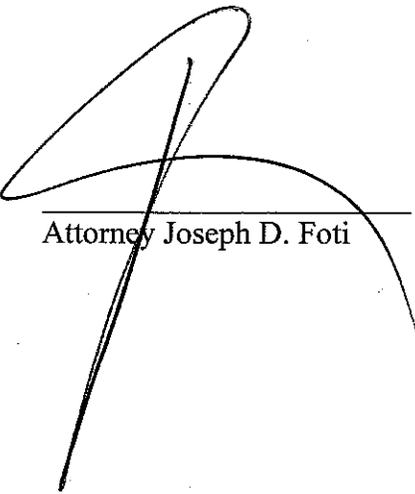
No lawyers shall directly or indirectly pay all or part of the cost of an advertisement by a lawyer not in the same firm unless the advertisement discloses the name and address of the nonadvertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the nonadvertising lawyer.

The proposed advertisement complies with Rule 7.2(h) by listing the name and address of the law firm in Alabama and reciting the fact that cases will be handled in association with that named firm.

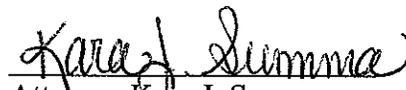
Attorney advertising is subject to the requirements of Rule 7.1 of the Rules of Professional Conduct and cannot be misleading. This reviewing committee concluded that there are no statements in the proposed advertisement that are misleading under Rule 7.1. Accordingly, this reviewing committee opines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

(E)

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