

## STATEWIDE GRIEVANCE COMMITTEE



### **Advisory Opinion #17-05746-A Firm Tag Line Advertising Phrase**

Pursuant to Practice Book §2-28B, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee<sup>1</sup> reviewed a request for an advisory opinion filed on July 18, 2017. The proposed advertisement is a "tag line" or type of motto that the law firm intends to use in various types of print or online advertising material, including on the firm's website and other marketing material. The reviewing committee concluded that the proposed advertisement complies with the Rules of Professional Conduct.

The proposed phrase to be used by the firm is **"Your Connecticut Family Law Appeals and Family Law Professionals."** Since this motto will be used in various forms of undetermined future advertising material, the proposed phrase on its own does not contain the name of an attorney admitted in Connecticut responsible for its content as required by Rule 7.2(d) of the Rules of Professional Conduct. This opinion assumes that the phrase, when placed in the context of actual advertising material, will comply with that requirement when disseminated. See Advisory Opinions #15-04768-A and #09-04941-A for discussion of other firm mottos or "taglines" at [http://www.jud.ct.gov/SGC/Adv\\_opinions/default.htm](http://www.jud.ct.gov/SGC/Adv_opinions/default.htm).

Attorney advertising is subject to the requirements of Rule 7.1 of the Rules of Professional

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<sup>1</sup> Attorney David Slossberg, an attorney member originally assigned to this Reviewing Committee, became unavailable and this decision was rendered by Attorney Kelly Masi, Attorney Thomas Sansone and Mr. Joseph Matthews.

Conduct. Rule 7.1 provides:

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.

The commentary to Rule 7.1 elaborates on the types of statements that are potentially misleading. Statements about a lawyer's services that "lead a reasonable person to formulate specific conclusions" about those services must contain a "reasonable factual foundation." (See commentary to Rule 7.1).

By using the phrase "Your Connecticut Family Law Appeals and Family Law Professionals" the firm is advertising its primary area of practice in the state, and the type of services it provides. This reviewing committee considered the use of the word "professional" in this context. Since attorneys are "professionals," the statement is factual in nature regarding both the practice area and the persons who offer legal services to clients and is not misleading under Rule 7.1.

This reviewing committee also considered the reference to "Your Connecticut" family law professionals in the motto. The tagline does not state that the firm is "the only" firm offering the family law services in this state but this reviewing committee was concerned that the term "your" does connote some type of exclusivity or singularity. In this context and because there is no other problematic language, the committee finds the term "your" is not misleading under Rule 7.1. An advertisement with other language or different context may present a problem under Rule 7.1 by using the term "your" [firm] and that should be considered when using this motto or tagline.

Pursuant to Rule 7.5(a) of the Rules of Professional Conduct, an attorney or firm cannot use a tradename or professional designation that implies “a connection with a government agency.” The proposed motto does not contain any other language besides the use of the term “Connecticut” which states the firm’s location but does not otherwise implicate Rule 7.5(a) by suggesting a government connection.

Rules 7.4 and 7.4A regulate the manner in which an attorney or a firm may characterize practice areas. Rule 7.4 provides:

(a) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law.... (d) a lawyer shall not state or imply that the lawyer is a specialist in a particular field of law except as provided herein and in Rule 7.4A.

Rule 7.4A(d) further provides: “Certification as a specialist may not be attributed to a law firm.”

The proposed motto, taken on its own terms, does not characterize the firm’s practice beyond listing the subject area (family law) and type of persons (professionals) who offer legal services. The motto does not state the firm or its attorneys are specialists in the practice area. In Connecticut Bar Association (“CBA”) Informal Opinion 93-20 (published July 30, 1993) the use of the descriptive phrase “Business Lawyer” on letterhead was found permissible. The CBA opinion examined the use of the phrase in connection with Rules 7.4 and 7.4A.

This reviewing committee also examined whether the use of the term “professional” in connection with stating the practice area implies specialization. A “professional” connotes someone with special knowledge or training as opposed to an amateur. Our conclusion is that since a lawyer is a type of professional, the use of the term does not imply specialization intrinsically or in connection with a practice area for the purposes of Rules 7.4 and 7.4A. The

proposed “tagline” by merely stating the firm’s main practice area and the fact that professionals, namely attorneys, offer those services does not state or imply an attorney or the firm is a family law specialist. Accordingly, this reviewing committee opines that the advertisement complies with the Rules of Professional Conduct.


(E)

ISSUE DATE: August 10, 2017

A handwritten signature in cursive script, reading "Kelly A. Masi". The signature is written in dark ink and is positioned above a horizontal line.

Attorney Kelly A. Masi

  
Attorney Thomas J. Sansone



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Mr. Joseph J. Matthews