

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #20-02302-A Communication Mailed to Local Home Owners Joint Advertisement with Realtor

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 postcard mailer which would target local home owners. The postcard would be distributed jointly with a local realtor through a U.S. Postal Service direct marketing program. The submitting attorney stated the real estate brokerage firm and the law firm do not share office space or fees. This reviewing committee concludes that the proposed advertisement complies with the Rules of Professional Conduct.

The proposed postcard comprises two sides of content which includes a graphic of a house on one side and a photograph of the attorney on the mailer side. There is a “placeholder” graphic for the realtor’s photograph and realty company logo because the final format has not been made. The postcard invites the reader to schedule a “free consultation” with “knowledgeable real estate professionals.” A series of questions are posed about potential difficulty in making mortgage payments or foreclosure or other liens.

On the address side of the postcard is the name of the attorney and phone number along with the name and phone number of the realtor. The law firm’s address is listed. Disclaimer language states that if a property is already listed with another realtor, that “this is not a solicitation.” The disclaimer further states the law firm and real estate brokerage “are separate

business entities working collaboratively for your convenience.”

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.

Attorney advertising is subject to the requirements of Rule 7.1 of the Rules of Professional 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 proposed postcard provides disclosure information that the attorney and real estate brokerage are separate entities advertising jointly for convenience only. The proposed joint advertisement is therefore not misleading because it clarifies the relationship between the two firms. No other content in the proposed postcard presents any advertising issues.


Rule 7.3 of the Rules of Professional Conduct regulates communications with prospective clients for the purpose of obtaining professional employment and provides the parameters of that contact. In the soliciting of prospective clients by attorneys, Rule 7.3 distinguishes between solicitations to members of the general public and solicitations to persons “known to be in need of legal services in a particular matter.” The submitting attorney indicates that the postcard will be

mailed to “local homeowners in the surrounding area.” Since this type of solicitation is made generally and not to a targeted group in need of legal representation, the proposed advertisement does not need to be labelled as advertising material.

This reviewing committee opines that the proposed advertisement complies with the Rules of Professional Conduct.

(E)

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