

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #23-06083-A Television Commercial # 5 Firm Advertising Communications and Name Display

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 August 30, 2023. The proposed advertisement consists of a one hundred thirty-three (133) second video to be streamed on the following platforms: YouTube TV, YouTube, Hulu Live, and Facebook. This reviewing committee concludes two portions of the advertisement do not comply with the Rules of Professional Conduct.

The proposed video to be streamed discusses the firm representation of clients that are involved with catastrophic injury. The attorneys speaking in the video discuss types of catastrophic injury cases and too, some of the procedure the attorneys follow to aid clients involved with these particular matters. A complete script of the proposed content accompanied the video for review and provides a verbatim transcript of the words spoken throughout the video.

The video begins with one of the requesting firm attorneys discussing catastrophic injury matters. The name of the attorney speaking is prominently featured on the screen in white lettering for approximately four (4) seconds. The firm attorney continues his monologue by discussing the types of cases that typically involve catastrophic injury, the trauma a client may be dealing with and the firm methodology for managing these matters. This video features another firm attorney

speaking in addition to the first speaker. The second attorney's name is prominently featured on the screen in white lettering for approximately eight (8) seconds. The second attorney also discusses the firm approach in matters involving catastrophic injury.

Throughout the attorneys' monologues, the video pans on different views of buildings in New Haven, a scene depicting a car accident, the firm attorneys speaking and working collaboratively, the attorneys meeting with a client, a scene with a car moving and the firm attorneys walking throughout New Haven. The video also contains "live" photos of the attorneys in front of New Haven landmarks. The video finishes with the display of the firm name accompanied with the firm logo. This display remains on the screen for five (5) seconds.

Communications Concerning Services

At the end of the video, prior to the firm name and logo being featured, one of the firm attorney's states, "If you contact us about your case, we won't stop until we've reached a settlement for you or the jury has reached a verdict in your favor".

Rule 7.1 of the Rules of Professional Conduct provides:

A lawyer shall not make a false or misleading communication about the lawyer or lawyer's services. A communication is false or misleading if it contains a material representation 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 of the Rules of Professional Conduct states in part:

A truthful statement is misleading if a substantial likelihood exists that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation.

The underscored portion of the statement made violates Rule 7.1 of the Rules of Professional Conduct in that it creates an unjustified expectation regarding the successful outcome of a matter. By stating “until we’ve reached a settlement for you or the jury has reached a verdict in your favor” the firm is creating unjustified expectations for the client. The client will expect to prevail in every matter regardless of the merits of the case. This statement is misleading. To comply with Rule 7.1 of the Rules of Professional Conduct, the statement should be altered to contain non misleading language or contain a disclaimer stating the results of every case are based upon the merits.

Display Name:

Rule 7.2 (e) of the Rules of Professional Conduct provides:


Any advertisement or communication made pursuant to this Rule shall include the name of at least one lawyer admitted in Connecticut responsible for its content. In the case of television advertisements, the name, address and telephone number of the lawyer admitted in Connecticut shall be displayed in bold print for fifteen seconds or the duration of the commercial, whichever is less, and shall be prominent enough to be readable.

The advertisement as submitted displays the speaking attorney’s name for four (4) seconds and eight (8) seconds then at the end of the video, the firm name and logo for five (5) seconds. Assuming one of the displayed attorney’s name is the attorney responsible for the advertisement, to fully comply with Rule 7.2(e) of the Rules of Professional Conduct the firm must display the name, address and telephone number of the lawyer admitted in Connecticut who is responsible for the advertisement in bold print for at least fifteen seconds as the times noted above do not comply with Rule 7.2(e) of the Rules of Professional Conduct.

Pursuant to Practice Book §2-28B(a) a suggested script was submitted with the advisory opinion request. The script is in keeping with the attorney speaking in the video and as such all suggested changes as previously stated herein apply not only to the video submitted but also to the script.

Accordingly, this reviewing committee opines that the foregoing portions of the advertisement video as previously discussed herein is not compliant with the Rules of Professional Conduct.

ISSUE DATE: 9-28-23



Attorney Barry Butler



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Ms. Betsy Browne