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Part VII of the Texas Disciplinary Rules of Professional Conduct (TDRPC) is the section of the Rules for lawyer advertising and solicitation.

Advertising Review Committee is the entity that has been charged with the responsibility to make sure lawyer advertisements and solicitations comply with these Rules. There are twelve members of the Committee, nine lawyers and three non-lawyers. State Bar of Texas staff review initially submissions and refer select items to the Committee for decisions to establish policy.

Please go to the website located at the following URL for additional information:
www.texasbar.com/adreview.

Rule 7.01 – Law Firm Names

Only allows for the names of the lawyers in the firm in the firm name and to identify the nature of its organization (Law Firm, Law Group, Law, PLLC, PC, etc.). The name must be consistently used by the firm. Acronyms can be used as law firm names, e.g. SP Law for a firm made up of Mr. Smith and Ms. Powers or a firm operated by Samuel Perez. Lawyers who do not have some kind of shareholder or partnership arrangement with the other lawyers in the firm cannot be included in the name of the firm.

Rule 7.02 – Communications Concerning a Lawyer's Services

This is the most important section of the Rules. In all communications, a lawyer cannot do the following:

1. Be false or misleading;
2. State past results or successes without certain information;
3. Create an unjustified expectation;
4. Compare their services to those of other lawyers without objective, verifiable information;
5. States they can influence a public official;
6. Use an actor to portray a client;
7. State they specialize in a field without being certified in that field; and
8. If materials are presented in languages other than English or in English and that or those other languages, all disclosure information must appear in both languages.

Rule 7.03 – Prohibited Solicitations and Payments

Lawyers cannot solicit a prospective client in person or via telephone a prospective client the lawyer knows has a legal problem. Lawyers cannot pay people to solicit clients for them except if it for advertising purposes. Lawyers cannot pay or give anything of value to prospective clients when soliciting their employment.

Rule 7.04 – Public Media Advertisements

These are items available to the general public, such as print media advertisements, television and radio ads, radio shows, infomercials, billboards, websites, social media, and internet videos. These kinds of ads must always disclose the name of the lawyer or law firm and the city of the firm's principal office. Depending on the situation, there are other disclosure information that may be needed such as if a lawyer is likely to refer cases to other lawyers, if another lawyer has paid for the advertisement, and if the lawyer and another lawyer have cooperatively paid for the ad. Actors or other individuals who appear to be lawyers in the firm are not allowed, but spokespeople are permitted. All required disclaimers and disclosure items must be presented in the same manner and in equal prominence to the items they are disclaiming or to which the disclosure statement is related.

Rule 7.05 – Solicitation Communications

Letters, emails, brochures, newsletters, and some kinds of digital media are covered by this section of the Rules. Solicitations must disclose the same items as those in Rule 7.04, TDRPC (see above). If sent to individuals facing a legal problem, that communication must disclose where the lawyer found the prospective client's information to prompt the dissemination of the communication. It must also have ADVERTISEMENT in different locations on the correspondence. The item cannot disclose the legal problem faced by the recipient on the exterior of the packaging in which the item is sent or in the subject line of the email to protect the prospective client's privacy.

Rule 7.06 – Prohibited Employment

A lawyer shall not accept or continue employment if the client was procured in a manner that violates Rules 7.01-7.05, TDRPC, unless that lawyer does not accept fees or is given anything of value for the employment by that client.

Rule 7.07 – Filing Requirements

There are two different ways to submit items for review, via a filing and through the advisory opinion (pre-approval) process. A lawyer can file an advertisement for review around the time it is first disseminated to the public, per Rule 7.07(b), TDRPC. If the lawyer wants to submit it for pre-approval, they must send it to our office at least thirty (30) days in advance of the day it is anticipated to be used. The fee for the review is \$75. Go to the **Mandatory Submission Steps** page of our website for **submission instructions** for a variety of different kinds of advertisements and solicitations.

Certain items do not need to be submitted for review, per Rule 7.07(e), TDRPC. If an ad in the public media only contains items presented in Rule 7.07(e)(1, 2, and 4), TDRPC, it does not need to be sent for a review. These items are things that usually would appear on a business card, such as name, address, telephone number, website domain name, email address, fields of practice in which the lawyer handles cases, fee and payment information, language skills, licensure information, professional certifications, and dozens of other things. If the materials used in the ad are purely academic, editorial, or educational in nature and contain the items in Rule 7.07(e)(1, 2, and 4), TDRPC, those kinds of ads do not need to be reviewed. Solicitations sent to groups described in Rule 7.07(e)(5-8), TDRPC, do not need to be sent for

review and include materials sent to fellow lawyers, past or current clients, people who are not facing a legal problem of which the lawyer has knowledge, or people who request materials from the lawyer.

The most important thing to remember about the Rules is that there are no Rules regulating taste. Other states have tried to implement lawyer ethics rules concerning taste-related materials but numerous courts have declared those rules to be unconstitutional either at the state or federal level, e.g. *Public Citizen Inc., et al. v. Louisiana Attorney Disciplinary Board, et al.*, No. 09-30925 (5th Cir. Jan. 31, 2011).

If you have had an ad approved in the past, you can use that ad as much as you want. Some modifications to that previously-approved ad would trigger a new submission while others would not. Please call us if you have questions about what constitutes a substantive change to the ad that would cause you to submit it with a new application packet and fee.

If you ever see an advertisement or solicitation that is in violation of the Rules, please feel free to forward it to our office. If we discover the item was not submitted for review and was required to be submitted for review, we send a correspondence called a non-filer letter that requires them to submit it for review and pay a \$300 fee/fine.

Internet and Digital Advertisements and Social Media

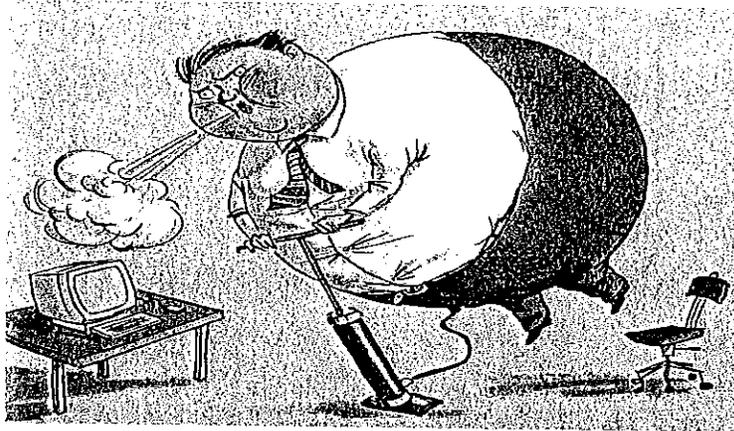
These kinds of items are governed by Rules 7.02 and 7.04; TDRPC, since they are available to the general public and include the following:

1. Websites and smartphone sites;
2. Facebook pages;
3. Twitter feeds;
4. Blogs;
5. LinkedIn and AVVO profiles;
6. YouTube videos;
7. Pay-Per-Click advertising; and
8. Smartphone apps.

Social media like Facebook, Twitter, and similar digital media can be helpful in educating the public about different legal problems they could face and fostering goodwill. These materials do not need to be submitted for review if they only contain items that are listed in Rule 7.07(e)(1, 2, and 4), TDRPC.

Blogs can be very helpful in presenting information that can provide the public additional information about legal matters. If the blog is purely educational or even editorial and contains those kinds of posting along with information presented in Rule 7.07(e)(1, 2, and 4), TDRPC, it does not need to be sent for review.

Here's one final thought about the internet and social media. *Use the internet and social media wisely.*



**Please feel free to contact us:
Advertising Review
State Bar of Texas**

Telephone: 800-566-4616

Email: adreview@texasbar.com

Website: www.texasbar.com/adreview

Address: PO Box 12487; Austin, TX 78711-2487