

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #09-01453-A Revised Print Advertisement to Homeowners in Foreclosure

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 3, 2009. The proposed advertisement is a letter and print brochure issued by a law firm to be sent to homeowners who have lis pendens filed against their homes. The same brochure was the subject of Advisory Opinion #09-01229-A, available at http://www.jud.ct.gov/sgc/Adv_opinions/default.htm. In that opinion, the reviewing committee concluded that the advertisement did not comply with the Rules of Professional Conduct. The requesting attorney has indicated that the brochure has been modified to comply with Advisory Opinion #09-01229-A and has requested this opinion on the revised proposed advertisement.

The proposed advertisement is essentially the same advertisement that is detailed in Advisory Opinion #09-01229-A. In Advisory Opinion #09-01229-A, the reviewing committee concluded that the cover letter of the proposed advertisement did not comply with Rule 7.3(c) of the Rules of Professional Conduct because it did not provide the requisite label "Advertising Material" clearly and prominently in red ink. The revised cover letter of the proposed advertisement contains the proper label "Advertising Material" on the first page and is in compliance with Rule 7.3(c).

The revised proposed advertisement also includes the envelope that will be used in mailing,

which was not provided in the original proposed advertisement. The envelope complies with Rule 7.3(c) because it contains the label "Advertising Material" in red ink in the lower left corner and complies with Rule 7.3 (e) by not revealing on the outside the nature of the client's legal problem. The proposed advertisement complies with the other relevant provisions of Rule 7.3.

In Advisory Opinion #09-01229-A, the reviewing committee also concluded that the brochure of the proposed advertisement did not comply with Rule 7.1 of the Rules of Professional Conduct because it contained several statements that characterized the firm's services in terms of their superiority or uniqueness. See Advisory Opinion #09-01229-A.

All but one of the statements at issue has been modified as requested in our previous advisory opinion. The statement that maintained that the firm provided clients with "outstanding legal support and guidance" has been modified to remove the phrase "outstanding." See Advisory Opinion #09-01229-A. Similarly, the phrase that "no one is on top of the current trends more than our real estate team" has also been modified to state that the firm "stays current with the latest [*sic*] trend." See Advisory Opinion #09-01229-A.

The statement contained in the Commercial Litigation and Transactions section of the brochure which maintains "[the firm] will prove to be of invaluable assistance" has not been removed or modified. For the reasons outlined in Advisory Opinion #09-01229-A, this statement violates Rule 7.1 of the Rules of Professional Conduct because it is a statement about the firm's services which cannot be factually substantiated.

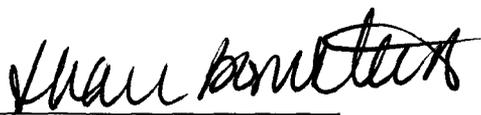
Accordingly, this reviewing committee opines that the proposed advertisement, as revised since the issuance of Advisory Opinion #09-01229-A, does not comply with the Rules of

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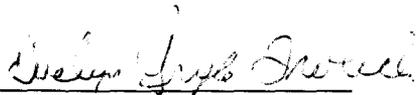
Professional Conduct because it contains one statement in violation of Rule 7.1 of the Rules of Professional Conduct.

(E)

ISSUE DATE: March 24, 2009



Attorney Shari Bornstein


Attorney Evelyn Gryk Frolich

A handwritten signature in black ink, appearing to read "Malcolm Forbes". The signature is fluid and cursive, with a large, prominent loop at the end of the word "Forbes".

Mr. Malcolm Forbes