

1 **Rule 7.1. Communications Concerning a Lawyer's Services.**

2 (a) A lawyer shall not make a false or misleading communication about the lawyer or the
3 lawyer's services. A communication is false or misleading if it:

4 (i) contains a material misrepresentation of fact or law, or omits a fact necessary to make
5 the statement considered as a whole not materially misleading;

6 (ii) is likely to create an unjustified or unreasonable expectation about results the lawyer
7 can achieve or has achieved; or

8 (iii) contains a testimonial or endorsement that violates any portion of this Rule.

9 (b) A lawyer shall not interact with a prospective client in a manner that involves coercion,
10 duress, or harassment.

11 **Comments**

12 [1] This Rule governs all communications about a lawyer's services. Whatever means are
13 used to make known a lawyer's services, statements about them must be truthful.

14 [2] Truthful statements that are misleading are also prohibited by this Rule. A truthful
15 statement is misleading if it omits a fact necessary to make the lawyer's communication
16 considered as a whole not materially misleading. A truthful statement is also misleading if there
17 is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion
18 about the lawyer or the lawyer's services for which there is no reasonable factual foundation.

19 [3] By way of example, this Rule permits the following, so long as they are not false or
20 misleading: public dissemination of information concerning a lawyer's name or firm name,
21 address, email address, website, and telephone number; the kinds of services the lawyer will
22 undertake; the basis on which the lawyer's fees are determined, including prices for specific
23 services and payment and credit arrangements; the use of actors or dramatizations to portray the
24 lawyer, law firm, client, or events; the courts or jurisdictions where the lawyer is permitted to
25 practice, and other information that might invite the attention of those seeking legal assistance.

26 [4] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or
27 former clients may be misleading if presented so as to lead a reasonable person to form an
28 unjustified expectation that the same results could be obtained for other clients in similar matters
29 without reference to the specific factual and legal circumstances of each client's case. Similarly,
30 an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other
31 lawyers may be misleading if presented with such specificity as would lead a reasonable person

32 to conclude that the comparison can be substantiated. The inclusion of an appropriate disclaimer
33 or qualifying language may preclude a finding that a statement is likely to create unjustified
34 expectations or otherwise mislead the public.

35 [5] A lawyer can communicate practice areas and can state that he or she “specializes” in a
36 field based on experience, training, and education, subject to the “false or misleading” standard
37 set forth in this Rule. A lawyer shall not state or imply that the lawyer is certified as a specialist
38 in a particular field unless the lawyer has been certified as a specialist by an objective entity and
39 the name of the entity is clearly identified in the communication.

40 [6] In order to avoid coercion, duress, or harassment, a lawyer should proceed with caution
41 when initiating contact with someone in need of legal services, especially when the contact is
42 “live,” whether that be in-person, face-to-face, live telephone and other real-time visual or
43 auditory person-to-person communications, where the person is subject to a direct personal
44 encounter without time for reflection

45 [7] Firm names, letterhead and professional designations are communications concerning a
46 lawyer’s services. A firm may be designated by the names of all or some of its current members,
47 by the names of deceased or retired members where there has been a succession in the firm’s
48 identity or by a trade name if it is not false or misleading. A lawyer or law firm also may be
49 designated by a distinctive website address, social media username or comparable professional
50 designation that is not misleading. A law firm name or designation is misleading if it implies a
51 connection with a government agency, with a deceased lawyer who was not a former member of
52 the firm, with a lawyer not associated with the firm or a predecessor firm, with a nonlawyer or
53 with a public or charitable legal services organization. If a firm uses a trade name that includes a
54 geographical name such as “Springfield Legal Clinic,” an express statement explaining that it is
55 not a public legal aid organization may be required to avoid a misleading implication.

56 [8] A law firm with offices in more than one jurisdiction may use the same name or other
57 professional designation in each jurisdiction.

58 [9] Lawyers may not imply or hold themselves out as practicing together in one firm when
59 they are not a firm, as defined in Rule 1.0(d), because to do so would be false and misleading.

60 [10] It is misleading to use the name of a lawyer holding public office in the name of a law
61 firm, or in communications on the law firm’s behalf, during any substantial period in which the
62 lawyer is not practicing with the firm. A firm may continue to use in its firm name the name of a

63 lawyer who is serving in Utah's part-time legislature as long as that lawyer is still associated
64 with the firm.

65 [11] See Rules 5.3 (duties of lawyers and law firms with respect to the conduct of non-
66 lawyers); Rule 8.4(a) (duty to avoid violating the Rules through the acts of another); and Rule
67 8.4(e) (prohibition against stating or implying an ability to influence improperly a government
68 agency or official or to achieve results by means that violate the Rules of Professional Conduct
69 or other law).

70 [12] This Rule differs from the ABA Model Rule. Additional changes have been made to the
71 comments.

72 **Rule 7.2. Advertising.**

73 Reserved.

74 **Rule 7.3. Solicitation of Clients.**

75 Reserved.

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77 **Rule 7.4. Communication of Fields of Practice.**

78 Reserved.

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80 **Rule 7.5. Firm Names and Letterheads.**

81 Reserved.

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