

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

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

8 (3) 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 (c) Direct solicitation of a potential client by a lawyer is prohibited. Direct solicitation means any  
12 form of written or oral communication done for the purpose of obtaining professional  
13 employment, including:

14 (1) in-person contact,

15 (2) telephone call,

16 (3) text,

17 (4) email,

18 (5) fax, or

19 (6) any other electronic communication.

20 (d) Paragraph (c) does not apply where the prospective client is a close friend, relative, or former  
21 client of the lawyer, or where the contact is made at the request of a third party who is a close  
22 friend or relative of the prospective client.

23 (e) General advertising materials sent by mail or email that are clearly identified as advertising  
24 materials are not prohibited by this rule.

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27 **Comments**

28 [1] This Rule governs all communications about a lawyer's services. Whatever means are used to  
29 make known a lawyer's services, statements about them must be truthful.

30 [2] Truthful statements that are misleading are also prohibited by this Rule. A truthful statement  
31 is misleading if it omits a fact necessary to make the lawyer's communication considered as a  
32 whole not materially misleading. A truthful statement is also misleading if there is a substantial  
33 likelihood that it will lead a reasonable person to formulate a specific conclusion about the  
34 lawyer or the lawyer's services for which there is no reasonable factual foundation.

35 [3] By way of example, this Rule permits the following, so long as they are not false or  
36 misleading: public dissemination of information concerning a lawyer's name or firm name,  
37 address, email address, website, and telephone number; the kinds of services the lawyer will  
38 undertake; the basis on which the lawyer's fees are determined, including prices for specific  
39 services and payment and credit arrangements; the use of actors or dramatizations to portray the  
40 lawyer, law firm, client, or events; the courts or jurisdictions where the lawyer is permitted to  
41 practice, and other information that might invite the attention of those seeking legal assistance.

42 [4] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or  
43 former clients may be misleading if presented so as to lead a reasonable person to form an  
44 unjustified expectation that the same results could be obtained for other clients in similar matters  
45 without reference to the specific factual and legal circumstances of each client's case. Similarly,  
46 an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other  
47 lawyers may be misleading if presented with such specificity as would lead a reasonable person  
48 to conclude that the comparison can be substantiated. The inclusion of an appropriate disclaimer  
49 or qualifying language may preclude a finding that a statement is likely to create unjustified  
50 expectations or otherwise mislead the public.

51 [5] A lawyer can communicate practice areas and can state that he or she "specializes" in a field  
52 based on experience, training, and education, subject to the "false or misleading" standard set  
53 forth in this Rule. A lawyer shall not state or imply that the lawyer is certified as a specialist in a  
54 particular field unless the lawyer has been certified as a specialist by an objective entity and the  
55 name of the entity is clearly identified in the communication.

56 ~~[6] In order to avoid coercion, duress, or harassment, a lawyer should proceed with caution when~~  
57 ~~initiating contact with someone in need of legal services, especially when the contact is "live,"~~  
58 ~~whether that be in person, face to face, live telephone and other real time visual or auditory~~  
59 ~~person to person communications, where the person is subject to a direct personal encounter~~  
60 ~~without time for reflection.~~

61 ~~[76]~~ Firm names, letterhead and professional designations are communications concerning a  
62 lawyer's services. A firm may be designated by the names of all or some of its current members,  
63 by the names of deceased or retired members where there has been a succession in the firm's  
64 identity or by a trade name if it is not false or misleading. A lawyer or law firm also may be  
65 designated by a distinctive website address, social media username or comparable professional  
66 designation that is not misleading. A law firm name or designation is misleading if it implies a  
67 connection with a government agency, with a deceased lawyer who was not a former member of  
68 the firm, with a lawyer not associated with the firm or a predecessor firm, with a nonlawyer or  
69 with a public or charitable legal services organization. If a firm uses a trade name that includes a  
70 geographical name such as "Springfield Legal Clinic," an express statement explaining that it is  
71 not a public legal aid organization may be required to avoid a misleading implication.

72 ~~[87]~~ A law firm with offices in more than one jurisdiction may use the same name or other  
73 professional designation in each jurisdiction.

74 ~~[98]~~ Lawyers may not imply or hold themselves out as practicing together in one firm when they  
75 are not a firm, as defined in Rule 1.0(d), because to do so would be false and misleading.

76 [~~109~~] It is misleading to use the name of a lawyer holding public office in the name of a law  
77 firm, or in communications on the law firm's behalf, during any substantial period in which the  
78 lawyer is not practicing with the firm. A firm may continue to use in its firm name the name of a  
79 lawyer who is serving in Utah's part-time legislature as long as that lawyer is still associated  
80 with the firm.

81 [~~110~~] See Rules 5.3 (duties of lawyers and law firms with respect to the conduct of non-  
82 lawyers); Rule 8.4(a) (duty to avoid violating the Rules through the acts of another); and Rule  
83 8.4(e) (prohibition against stating or implying an ability to influence improperly a government  
84 agency or official or to achieve results by means that violate the Rules of Professional Conduct  
85 or other law).

86 [~~111~~] This Rule differs from the ABA Model Rule. Additional changes have been made to the  
87 comments and it incorporates language previously found in Rule 7.3, which was repealed in  
88 2020.

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