

1 **4 RULES OF PROFESSIONAL CONDUCT**
2 **4-7 INFORMATION ABOUT LEGAL SERVICES**
3 **RULE 4-7.1 GENERAL**

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5 **(a) Permissible Forms of Advertising.** Subject to all the requirements set forth
6 in this subchapter 4-7, including the filing requirements of rule 4-7.7, a lawyer may
7 advertise services through public media, including but not limited to: print media, such
8 as a telephone directory, legal directory, newspaper or other periodical; outdoor
9 advertising, such as billboards and other signs; radio, television, and computer-accessed
10 communications; recorded messages the public may access by dialing a telephone
11 number; and written communication in accordance with rule 4-7.4.

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13 **(b) Advertisements Disseminated in Florida.** Subchapter 4-7 shall apply to
14 lawyers admitted to practice law in Florida who solicit or advertise for legal employment
15 in Florida or who target solicitations or advertisements for legal employment at Florida
16 residents.

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18 **(c) Advertisements by Out-of-State Lawyers.** Subchapter 4-7 shall apply to
19 lawyers admitted to practice law in jurisdictions other than Florida:

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21 (1) who have established a regular and/or permanent presence in Florida for the practice
22 of law as authorized by other law; and

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24 (2) who solicit or advertise for legal employment in Florida or who target solicitations or
25 advertisements for legal employment at Florida residents.

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27 **(d) Advertisements Not Disseminated in Florida.** Subchapter 4-7 shall not
28 apply to any advertisement broadcast or disseminated in another jurisdiction in which the
29 advertising lawyer is admitted if such advertisement complies with the rules governing
30 lawyer advertising in that jurisdiction and is not intended for broadcast or dissemination
31 within the state of Florida.

32 **(e) Communications Between Lawyers.** Subchapter 4-7 shall not apply to
33 communications between lawyers.

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35 **(ef) Communications With Family Members.** Subchapter 4-7 shall not apply
36 to communications between a lawyer and that lawyer's own family members.

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38 **(g) Communications With Current and Former Clients.** Subchapter 4-7 shall
39 not apply to communications between a lawyer and that lawyer's own current and former
40 clients.

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42 **(fh) Communications at a Prospective Client's Request.** Subchapter 4-7 shall
43 not apply to communications between a lawyer and a prospective client if made at the
44 request of that prospective client.

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46 **(gi) Application of General Misconduct Rule.** The general rule prohibiting a
47 lawyer from engaging in conduct involving dishonesty, deceit, or misrepresentation
48 applies to all communications by a lawyer, whether or not subchapter 4-7 applies to that
49 communication.

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51 **Comment**

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53 To assist the public in obtaining legal services, lawyers should be allowed to
54 make known their services not only through reputation but also through organized
55 information campaigns in the form of advertising. The public's need to know about legal
56 services can be fulfilled in part through advertising that provides the public with useful,
57 factual information about legal rights and needs and the availability and terms of legal
58 services from a particular lawyer or law firm. This need is particularly acute in the case
59 of persons of moderate means who have not made extensive use of legal services.
60 Nevertheless, certain types of advertising by lawyers create the risk of practices that are
61 misleading or overreaching and can create unwarranted expectations by persons untrained

62 in the law. Such advertising can also adversely affect the public's confidence and trust in
63 our judicial system.

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65 In order to balance the public's need for useful information, the state's need to
66 ensure a system by which justice will be administered fairly and properly, as well as the
67 state's need to regulate and monitor the advertising practices of lawyers, and a lawyer's
68 right to advertise the availability of the lawyer's services to the public, these rules permit
69 public dissemination of information concerning a lawyer's name or firm name, address,
70 and telephone number; the kinds of services the lawyer will undertake; the basis on which
71 the lawyer's fees are determined, including prices for specific services and payment and
72 credit arrangements; a lawyer's foreign language ability; names of references and, with
73 their consent, names of clients regularly represented; and other factual information that
74 might invite the attention of those seeking legal assistance.

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76 Regardless of medium, a lawyer's advertisement should provide only useful,
77 factual information presented in a nonsensational manner. Advertisements utilizing
78 slogans or jingles, oversized electrical and neon signs, or sound trucks fail to meet these
79 standards and diminish public confidence in the legal system.

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81 These rules do not prohibit communications authorized by law, such as notice to
82 members of a class in class action litigation.

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84 These rules apply to advertisements and written communications directed at
85 prospective clients and concerning a lawyer's or law firm's availability to provide legal
86 services. These rules do not apply to communications between lawyers, communications
87 between lawyers and their own family members, communications between lawyers and
88 their own current and former clients, or communications with a prospective client at that
89 prospective client's request.