

COURT NOTICES

AMENDMENT OF RULE

Supreme Court

The following notice, originally published in the May 18, 2011 issue of the *Register*, is being reprinted due to the previous omission of paragraph (c)(1). The Department of State apologizes for any confusion this may have caused.

The Appellate Divisions of the Supreme Court, pursuant to the authority invested in them, do hereby amend, effective April 15, 2011, Rule 7.1(c), (d), (e), and (g) of Part 1200 of Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York, entitled "Rules of Professional Conduct," as follows:

Rule 7.1. Advertising:

* * *

(c) An advertisement shall not:

[(1) include an endorsement of, or testimonial about, a lawyer or law firm from a client with respect to a matter still pending;]

[(2)] include a paid endorsement of, or testimonial about, a lawyer or law firm without disclosing that the person is being compensated therefore;

[(3)] include [the portrayal of a judge,] the portrayal of a fictitious law firm, the use of a fictitious name to refer to lawyers not associated together in a law firm, or otherwise imply that lawyers are associated in a law firm if that is not the case.

[(4)] use actors to portray *a judge*, the lawyer, members of the law firm, or clients, or utilize depictions of fictionalized events or scenes, without disclosure of same; *or*

[(5)] rely on techniques to obtain attention that demonstrate a clear and intentional lack of relevance to the selection of counsel, including the portrayal of lawyers exhibiting characteristics clearly unrelated to legal competence;]

[(6)] be made to resemble legal documents[; or]

[(7)] utilize a nickname, moniker, motto or trade name that implies an ability to obtain results in a matter.]

(d) An advertisement that complies with subdivision (e) of this section may contain the following:

(1) statements that are reasonably likely to create an expectation about results the lawyer can achieve;

(2) statements that compare the lawyer's services with the services of other lawyers;

(3) testimonials or endorsements of clients, [where not prohibited by subdivision (c)(1) of this section,] and of former clients; or

(4) statements describing or characterizing the quality of the lawyer's or law firm's services.

(e) It is permissible to provide the information set forth in subdivision (d) of this section provided:

(1) its dissemination does not violate subdivision (a) of this section;

(2) it can be factually supported by the lawyer or law firm as of the date on which the advertisement is published or disseminated; [and]

(3) it is accompanied by the following disclaimer: "Prior results do not guarantee a similar outcome"; *and*

(4) *in the case of a testimonial or endorsement from a client with respect to a matter still pending, the client gives informed consent confirmed in writing.*

* * *

(g) A lawyer or law firm shall not utilize[:]

[(1) a pop-up or pop-under advertisement in connection with computer-accessed communications, other than on the lawyer or law firm's own website or other internet presence; or

(2)] meta tags or other hidden computer codes that, if displayed, would violate these Rules.

