

ETHICS ADVISORY PANEL
Opinion #93-21, Request #354
Issued May 12, 1993

An attorney seeks advice regarding amended Rule 7.2(b). The attorney asks whether the rule, which states that all advertisements shall be sent to the Disciplinary Counsel's office, applies to those advertisements placed only in the State of Rhode Island and/or advertisements placed in other states by an attorney who is licensed to practice in Rhode Island as well as another state.

Amended Rule 7.2(b) states that:

A copy of each print advertisement (other than yellow page advertisements), a recording of each radio advertisement, and a videotape of each television advertisement shall be sent to the Supreme Court Disciplinary Counsel prior to or within 48 hours of the first dissemination of such advertisement and another copy of each print advertisement (including yellow page advertisements), recording of each radio advertisement and videotape of each television advertisement shall be retained by the lawyer for two years after its last dissemination along with a record of when and where it was used.

Although the Rule does not particularly address these issues, the Panel believes that if an advertisement addresses the practice of law in Rhode Island, which is expected to be read or received in Rhode Island, or is intended to solicit or invite business in Rhode Island, then a copy must be sent the Disciplinary Counsel.

If the advertisement is placed in an out of state medium, which is not intended to be read or received in Rhode Island and does not intend to solicit or invite business in Rhode Island then a copy of that advertisement does not have to be sent to the Rhode Island Disciplinary Counsel.