

ETHICS ADVISORY PANEL
Opinion #93-27, Request #360
Issued May 12, 1993

The attorney is licensed to practice law in both Rhode Island and Massachusetts. The attorney asks whether he/she must submit a copy of the advertisement with the Disciplinary Counsel's office. The advertisement will be placed in a Massachusetts newspaper.

The Panel opines that amended Rule 7.2(b) addresses this inquiry. The Rule states:

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 (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 out of state advertisements, the Panel believes that if an advertisement which addresses the practice of law in Rhode Island 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 to the Rhode Island Disciplinary Counsel.

If the advertisement is placed in an out of state medium, which is not intended 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.