

**Final**

**Rhode Island Supreme Court  
Ethics Advisory Panel Op. 2021-01  
Issued November 10, 2021**

**FACTS**

The inquiring attorney has a debt collection practice. The inquiring attorney states that the Consumer Financial Protection Bureau (CFPB), a United States government agency responsible for consumer protection in the financial sector, recently established a required model validation notice to be sent to debtors as the initial contact correspondence. Required use of the validation notice becomes effective on December 1, 2021. The inquiring attorney states that the CFPB model form will replace what traditionally has been known as an initial demand letter. He/she further states that in order for his/her office to be entitled to the safe harbor defense relating to the use of the model validation notice, the information in the notice must be “clear and conspicuous” and “substantially similar” to the model form.

In reviewing the CFPB notice, the inquiring attorney notes that it does not include items traditionally found on his firm’s initial demand letters, namely a list of attorneys in the firm, and a signature block. He/she notes also that the validation notice does not provide space to add such information. He/she states that the CFPB has made clear that safe harbor protection will not extend to a second page of a validation notice.

**ISSUE PRESENTED**

The inquiring attorney asks whether his/her law firm may send the CFPB validation notice without listing the attorneys in the firm, and without a signature block.

**OPINION**

It is permissible under the Rules of Professional Conduct for the inquiring attorney to send the CFPB model validation form without listing each attorney in the law firm, and without a signature block.

**REASONING**

Rule 7.1 of the Rules of Professional Conduct entitled “Communication concerning a lawyer’s services” is the over-arching rule relating to information about legal services. This rule prohibits the use of false or misleading information in all communications about a lawyer’s services. Paragraph (b) of Rule 7.5 entitled “Firm names and letterheads” states: “Identification of lawyers in a law firm shall indicate the jurisdictional limitations on those not licensed to practice in Rhode Island.” There is no requirement in paragraph (b) that each lawyer in a law firm is listed.

The Panel believes that it is neither false nor misleading for the inquiring attorney or the law firm to send the CFPB model validation form without listing each attorney in the firm, and without a signature block. Accordingly, the Panel concludes that the use of the CFPB model form is permissible under the Rules of Professional Conduct.

The Panel's guidance is restricted to interpretations of the Rules of Professional Conduct and does not extend to issues under the State Ethics Code or any other rules, regulations or laws that may have bearing on the issues raised by this inquiry.