

## LAWYER ADVERTISING AND SOLICITATION

*Alison P. Landry, chair*

The Standing Committee on Lawyer Advertising and Solicitation (SCOLAS) monitors lawyer advertising and solicitation in Virginia, responds to inquiries regarding the propriety of certain lawyer advertising, and issues advisory opinions when, in the judgment of the committee, it is helpful to do so. SCOLAS meets every other month at the offices of the Virginia State Bar in Richmond.

The committee and assistant bar counsel review in detail selected broadcast media, Yellow Pages and other printed advertising material to determine compliance with the applicable Rules of Professional Conduct. If the committee finds an ad is in violation of a rule, a letter is written to the responsible lawyer pointing out the problem with the ad and requesting that the advertisement be modified accordingly. Several noncompliance letters were sent in fiscal 2007; each recipient voluntarily complied with the committee's request.

On November 28, 2006, the committee approved Legal Advertising Opinion A-0116 (Communications That Claim "Se Habla Español"). The opinion was published in February 2007. This opinion addresses whether a law firm may advertise the fact that they speak Spanish in the office—"se habla español"—if the lawyer is not fluent in Spanish but one of the staff members is. SCOLAS opined that while the committee does not believe there is any ethical prohibition against the lawyer advertising that someone other than the lawyer speaks and understands Spanish, the advertisement should describe, in Spanish, *how* Spanish is spoken in that particular office. The exact language to be used to convey such an arrangement may vary based upon an accurate rendition of the Spanish that is spoken in the office; however, it must be clear that it is not the lawyer who speaks Spanish, if that is the case.

The committee also adopted LAO A-0017 allowing for an attorney to advertise in an online attorney directory as long as the attorney complies with the advertising rules. The committee's proposed amendment to rule 7.4(d), which adopted the American Bar Association's position that an attorney may advertise that he or she has been certified by an ABA-accredited organization without the required disclaimer, was rejected by the Supreme Court of Virginia in 2006.

The committee has focused on perusing and evaluating different types and styles of Internet- and Web-based advertising, which includes lawyer directories and lawyer referral services. The exercise educates the committee on the direction of lawyer advertising in Virginia and the other states and helps the committee evaluate its application of Virginia's Rules of Professional Conduct to the new and ever-changing environment of Web-based lawyer communication and advertising.

The work of SCOLAS could not be done without the tireless efforts of our volunteer members. I thank them for the inspiration, time, and energy they bring to our work. They are Cochair Roscoe B. Stephenson III, Alan S. Anderson, Gina M. Burgin, Elizabeth M. Allen, Susan R. Salen, William Miller, Daniel L. Rosenthal, William L. Schmidt, David R. Selig, George L. Townsend and C. James Williams III. James M. McCauley, Lee L. Nelms, and Bonnie D. Waldeck of the VSB staff work hard to guide us.

