

Editor's Note. – Overruled in part by L E Op. No. 1528. See footnote 1 of the opinion for scope.

LEGAL ETHICS OPINION 1443

ADVERTISING: ADVERTISEMENT
"GUARANTEEING" THE CLIENT
JUSTICE WITH THE INSURANCE
COMPANY.

A law firm, through its television advertisement, states that it can "guarantee you get justice with the insurance company".

The Committee was asked to opine whether, under the facts of the inquiry, such advertising is proper under the Virginia Code of Professional Responsibility.

The Committee opined that since the statement by the firm guaranteeing the client justice with the insurance company is not supported by fact and is purely self-laudatory, it is violative of DR:2-101(A). The Committee further opined that the statement contained in the advertisement does not serve to inform the public of the availability of competent, independent legal counsel, nor does the public benefit from such advertising when it is marked by statements without factual basis which are based on emotional appeals.

The Committee directed attention to DR:1-103(A), which mandates reporting to the appropriate authority by an attorney having knowledge that another attorney has committed a violation of the Disciplinary Rules that raises a substantial question as to that lawyer's fitness to practice law in other respects. Whether an attorney's conduct is such that it raises a "substantial question as to that lawyer's fitness to practice law in other respects" requires a case-by-case determination which should be made after consideration of the facts and analysis of the impact on the offending lawyer's fitness to practice law. [DR:1-103(A), DR:2-101(A); EC:2-10, EC:2-11, EC:2-12; LEO Op. 1297, LEO Op. 1308, LEO Op. 1321, LEO Op. 1425; In re Himmel, 125 Ill.2d 531, 533 N.E.2d 790 (1988).]