

## **Alabama Rules of Professional Conduct**

### **Information About Legal Services**

#### **Rule 7.1.**

#### **Communications Concerning a Lawyer's Services.**

A lawyer shall not make or cause to be made a false or misleading communication about the lawyer, the lawyer's services or another lawyer's services. A communication is false or misleading if it:

(a) Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;

(b) Is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;

(c) Compares the quality of the lawyer's services with the quality of other lawyers' services, except as provided in Rule 7.4; or

(d) Communicates the certification of the lawyer by a certifying organization, except as provided in Rule 7.4.

#### **Comments**

"Lawyer" includes the lawyer's law firm.

Under Rule 8.5, Rule 7.1 applies to lawyers, whether or not admitted to practice in Alabama, who communicate with prospective clients about legal services in Alabama or who direct communications about legal services to Alabama residents.

A prospective client as used in these Rules is someone whom a reasonable lawyer making the communication would consider a potential client, or someone whom the lawyer seeks to represent if given the opportunity. As an example, individuals who watch or hear a lawyer's commercial or view a billboard or access a lawyer's website are prospective clients in most instances.

Misleading truthful statements are prohibited by this Rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer's communication considered as a whole not materially misleading. A truthful statement is misleading if a substantial likelihood exists that it will lead a reasonable person to form a specific conclusion about the lawyer or the lawyer's services for which there is not a reasonable factual foundation. A truthful statement is misleading if it creates a likelihood that a reasonable person would believe the lawyer's communication requires that person to take further action when, in fact, no action is required.

Lawyers who are not in a firm together may not imply or say that they practice together.

Although a lawyer from another state may petition an Alabama court to permit admission *pro hac vice* in a specific Alabama action, no law authorizes a *pro hac vice* practice on a general or permanent basis in the state of Alabama. A lawyer not licensed to practice law in Alabama shall not direct a communication about the lawyer's services to prospective clients in Alabama without disclosing that the lawyer is not licensed to practice law in Alabama and without otherwise complying with these Rules. A law firm that directs communications about the firm's services to prospective clients in Alabama and which has no lawyers licensed to practice in Alabama would be required to disclose that fact. If a lawyer with a firm that has lawyers licensed in Alabama appears or is identified in a communication to prospective clients in Alabama about the firm's legal services but is not licensed in Alabama, the communication must disclose that fact even if other lawyers in the firm are licensed in Alabama.

A communication about a lawyer's services is subject to these Rules if it reasonably is expected to be seen or heard by Alabama residents and does not specifically state that the lawyer or firm will not represent clients in Alabama.

In certain limited situations, a lawyer not licensed in Alabama may be authorized to provide Alabama residents legal services in another jurisdiction. For example, in a class action suit in another state or in a federal court action in another state, including bankruptcy and immigration, a lawyer not licensed in Alabama may represent Alabama residents in the litigation. Any communication

by the lawyer disseminated within Alabama or directed at Alabama residents, however, must comply with these Rules.