

Frequently Asked Questions – Lawyer Advertising

Where do I find information regarding lawyer advertising?

Information regarding the ethical requirements for lawyer advertisement is located in Rule 7 of the Mississippi Rules of Professional Conduct (MRPC). Rules 7.1 through 7.7, MRPC, cover a variety of issues related to advertising and communications regarding a lawyer's services. Contained in these rules is a requirement that contain advertisements be submitted to the Bar prior to their dissemination. It is suggested that all attorneys review these rules, as well as the "Policies and Procedures for Lawyer Advertising," prior to disseminating or publishing their advertisement: (insert link to Policies and Procedures for Lawyer Advertising)

Why do I have to submit my advertisements to the Bar?

The Supreme Court of Mississippi adopted the advertising rules on October 4, 2004. The Court requires that certain advertisements, as listed in Rule 7.5, MRPC, be submitted to the Bar. The Court adopted this rule to enhance its ability to monitor advertising practices for the protection of the public and to assist members of Bar in conforming their advertisements to the ethical requirements of the Rules of Professional Conduct.

If I submit an advertisement and then want to publish that same advertisement again, must an additional submission fee of \$25 be submitted?

The submission fee required under Rule 7.5(b), MRPC, is advertisement specific. Attorneys are not required to resubmit their advertisement upon subsequent dissemination or publication so long as there are no changes to the form or content of the advertisement following the previous submission. Should the exact same advertisement be subsequently published, the attorney must only provide the new information required by Rule 7.5(c)(3), as to when and where the advertisement will be used, but an additional fee is not required.

Must information for a firm's web site be submitted to The Mississippi Bar?

Rule 7.5(b)(8), MRPC, exempts internet web pages viewed via a web browser, if the search is initiated by a person without solicitation from the attorney. *See*

also Ethics Opinion Number 252 for a more detailed analysis of attorney web pages as they relate to the advertising rules.

Do all advertisements have to be approved prior to publication?

Advertisements submitted to the Bar are not “approved.” Rule 7.5, MRPC, requires that certain types of advertisements be submitted prior to their dissemination or publication, accompanied by the information required as set forth in the rule.

May an attorney obtain approval of an advertisement?

Yes. Attorneys may request an Optional Advisory Opinion as set forth in Rule 7.5(d), MRPC. Optional Advisory Opinions are limited to proposed advertisements that have not yet been disseminated or published. The requesting attorney must allow 45 days for the Bar to conduct an evaluation of the proposed advertisement prior to dissemination. While the Bar is diligent in processing such requests, the Bar is unable to grant any request that is seeking an opinion inside of the 45 day period outlined in the rule.

May I contact the Bar to find out whether an advertisement was submitted prior to its dissemination or publication?

Attorneys are welcome to contact the Bar to confirm whether their own advertisement has been properly submitted. However, such information is not available to other attorneys or the public due to the confidentiality provided in Rule 15 of the Rules of Discipline for The Mississippi State Bar.

Any attorney who is concerned with the content or nature of an advertisement may report their concerns by letter in accordance with their obligation under Rule 8.3, MRPC, or choose instead to file a Bar Complaint. Likewise, any member of the public may express their concern regarding the ethical aspects of an advertisement by submitting a Bar Complaint.

May an attorney not licensed in Mississippi advertise in Mississippi?

An attorney not admitted in Mississippi may advertise in Mississippi; however, pursuant to Rule 8.5, MRPC, the attorney will be subject to the disciplinary

authority of this jurisdiction, as well as the jurisdiction in which they are licensed.