

How to File Advertisements/Unsolicited Written Communications Under New Rule 7.7

1. When to File All required filings must be submitted to the LSBA RPCC, through LSBA Ethics Counsel, for evaluation **prior to or concurrently with** the first dissemination of the advertisement or unsolicited written communication. Rules 7.7(b) and 7.7(c). Under Rule 7.7(b), any lawyer may obtain a written advisory opinion concerning the compliance of a contemplated advertisement or unsolicited written communication by submitting to the Committee the material and fee specified below at least thirty (30) days prior to the first dissemination of the advertisement or unsolicited written communication. If the Committee finds that the advertisement or unsolicited written communication complies with these Rules, the lawyer's voluntary submission in compliance with Rule 7.7(b) shall be deemed to satisfy the regular filing requirement set forth in Rule 7.7(c).

2. Contents of Filing A filing with the RPCC/LSBA Ethics Counsel (Rule 7.7(d)) shall consist of:

a. a copy of the advertisement or communication in the form or forms in which it is to be disseminated and is readily-capable of duplication by the Committee, e.g., videotapes, audiotapes, print media, photographs of outdoor advertising, etc.;

Example regarding Television and Radio Advertisements: Lawyer wants to develop a television advertisement and first develops "storyboards" and a script for the advertisement. The Committee will accept "storyboards" and a script in satisfaction of the requirement of a copy of the advertisement, as noted in Rule 7.7(d)(1), in connection with a filing under Rule 7.7(b) [the advance written advisory opinion option]. Assuming that the "storyboards" and script filed with the Committee are found to comply with the Rules, the Committee will issue a written advisory opinion regarding the compliance of the anticipated advertisement on the condition that the final advertisement does not vary in substance from the "storyboards" and script that were filed with the Committee. After production of the advertisement, a copy of the advertisement in its final form must be submitted to the Committee prior to or concurrent with its first dissemination in order to fulfill the filing requirement of Rule 7.7(d). If the advertisement as filed in its final form does not vary in substance from the "storyboards" and script already filed with the Committee, the lawyer shall be deemed to have satisfied the filing requirements of Rules 7.7(b) and the Committee's written advisory opinion shall have the evidentiary effects as indicated in Rule 7.7(h).

b. a typewritten transcript of the advertisement or communication, if any portion of the advertisement or communication is on videotape, audiotape, electronic/digital media or otherwise not embodied in written/printed form;

c. a printed copy of all text used in the advertisement;

d. an accurate English translation, if the advertisement or communication appears or is audible in a language other than English;

e. a sample envelope in which the written communication will be enclosed, if the communication is to be mailed;

f. a statement listing all media in which the advertisement or communication will appear, the anticipated frequency of use of the advertisement or communication in each medium in which it will appear, and the anticipated time period during which the advertisement or communication will be used;

g. fees paid to the Louisiana State Bar Association at the time of filing under Rule 7.7(b) or Rule 7.7(c), in an amount set by the Supreme Court of Louisiana (Rule 7.7(d)(7)):

A) \$175.00 for submissions filed prior to or concurrently with the lawyer's first dissemination of the advertisement or unsolicited written communication; or

B) \$275.00 for submissions not filed until after the lawyer's first dissemination of the advertisement or unsolicited written communication;

h. any additional information requested by the RPCC/LSBA Ethics Counsel. Rule 7.7(f).

FILING FORMS

To aid in the filing process, the RPCC/Ethics Counsel has designed:

- "[Filing Application Form](#)" (for use with ALL new filings); and
- "[Filing Application Addendum](#)" (for use with unsolicited written communications)

Use of these standardized forms is strongly encouraged and will greatly simplify submission of your filing.