

CHAPTER 15. REVIEW OF LAWYER ADVERTISEMENTS AND SOLICITATIONS

15-1. GENERALLY RULE 15-1.1 PURPOSE

The Florida Bar, as an official arm of the Supreme Court of Florida, is charged with the duty of enforcing the rules governing lawyer advertising and solicitation and with assisting members of The Florida Bar to advertise their services in a manner beneficial to both the public and the legal profession. The board of governors, pursuant to the authority vested in it under rule 2-8.3, shall create a standing committee on advertising to advise members of The Florida Bar on permissible advertising and solicitation practices. It shall be the duty of the committee to administer the advertising evaluation program set forth in subchapter 4-7.

Added Dec. 21, 1990, effective Jan. 1, 1991 (571 So.2d 451). Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); April 25, 2002 (820 So.2d 210).

15-2. STANDING COMMITTEE ON ADVERTISING RULE 15-2.1 MEMBERSHIP AND TERMS

The total number of standing committee on advertising members is determined at the discretion of the board of governors of a number of no more than 20, 3-5 of which are nonlawyers representing the public. Members of the committee are appointed by the president-elect of The Florida Bar, as provided in rule 2-8.1. The president-elect designates the chair and vice-chair, with the advice and consent of the board of governors. Members of the committee serve staggered 3-year terms unless removed by the president or president-elect for non-attendance or other good cause. No member may serve more than 2 consecutive terms. A quorum consists of a majority of the members.

Added Dec. 21, 1990, effective Jan. 1, 1991 (571 So.2d 451). Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252), amended November 9, 2017, effective February 1, 2018 (SC16-1961).

RULE 15-2.2 FUNCTIONS

It shall be the task of the committee to evaluate all advertisements filed with the committee for compliance with the rules governing advertising and solicitation and to provide written advisory opinions concerning compliance to the respective filers, to develop a handbook on advertising for the guidance of and dissemination to members of The Florida Bar, and to recommend to the board of governors from time to time such amendments to the Rules of Professional Conduct as the committee may deem advisable.

Added Dec. 21, 1990, effective Jan. 1, 1991 (571 So.2d 451). Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

RULE 15-2.3 REIMBURSEMENT FOR PUBLIC MEMBERS

The nonlawyer public members of the standing committee shall be reimbursed for reasonable travel and related expenses associated with attendance at meetings of the committee.

Added Dec. 21, 1990, effective Jan. 1, 1991 (571 So.2d 451). Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

RULE 15-2.4 RECUSAL OF MEMBERS

Members of the committee shall recuse themselves from consideration of any advertisement proposed or used by themselves or other lawyers in their firms.

Added Dec. 21, 1990, effective Jan. 1, 1991 (571 So.2d 451).

15-3. PROCEDURE

RULE 15-3.1 MEETINGS

The committee shall meet as often as is necessary to fulfill its duty to provide a prompt opinion regarding a submitted advertisement's compliance with the advertising and solicitation rules.

Added Dec. 21, 1990, effective Jan. 1, 1991 (571 So.2d 451).

RULE 15-3.2 RULES

The committee may adopt such procedural rules, subject to review by the board of governors, for its activities as may be required to enable the committee to fulfill its function.

Added Dec. 21, 1990, effective Jan. 1, 1991 (571 So.2d 451)..

15-4. REPORT OF COMMITTEE

RULE 15-4.1 GENERALLY

Within 3 months after the conclusion of the first year of the review program, the committee shall submit to the board of governors a report detailing the year's activities of the committee. The report shall include such information as the board of governors may require.

Added Dec. 21, 1990, effective Jan. 1, 1991 (571 So.2d 451). Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

RULE 15-4.2 RECORDS

(a) Maintenance of Records. The committee shall keep records of its activities for 3 years.

(b) Public Access to Records. All records of the committee shall be open for public inspection and copying with the following exceptions:

(1) proposed advertisements and proposed direct mail communications filed for advisory review when the submitting attorney advises the committee that the materials constitute protected trade secrets or proprietary information;

(2) the media, frequency, and duration of an advertisement when the submitting attorney advises the committee that the information constitutes protected trade secrets or proprietary information;

(3) the names and addresses of recipient of direct mail communications;

(4) information made confidential by rule of the Supreme Court of Florida;

(5) attorney-client communications between the bar, its committees and staff and those attorneys retained by the bar in anticipation of, or during, civil litigation; and

(6) work product prepared by an attorney retained by the bar in anticipation of, or during, civil litigation.

(c) Inspection of Copyrighted Material. Copyrighted work may be inspected but not reproduced.

Added Dec. 21, 1990, effective Jan. 1, 1991 (571 So.2d 451). Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); October 29, 1992 (608 So.2d 472).