

**THE NEW IOWA LAWYER
ADVERTISING RULES**

Bridge the Gap
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I. All Statements Must be Truthful DR 2-101(A)

Any communication between a lawyer licensed to practice in Iowa and the public using statements that are **false, deceptive, unfair or unverifiable** are prohibited.

II. Language Restrictions

The lawyer may use restrained subjective characterizations of rates or fees such as "reasonable," "moderate," and "very reasonable," but shall avoid all unrestrained subjective characterizations of rates or fees, such as, but not limited to, "cut-rate," "lowest," "giveaway," "below-cost," "discount," and "special."

III. What is Not Advertising

A. Communications or Solicitations for Business Between Lawyers

B. Communications with existing or former Clients

Communications between a lawyer and an existing or former client, provided the lawyer does not know or have reason to know the attorney-client relationship has been terminated.

C. Communications that are a reply to request for information

Communications by a lawyer that are in reply to a request for information by a member of the public that was not prompted by unauthorized advertising by the lawyer

1. Web Sites

Information available through a hyperlink on a lawyer's Web site shall constitute this type of communication.

a. Disclosures

The disclosures required for fees (DR 2-101(D)) and institution of litigation DR 2-101(F) are required when applicable. Web disclosures are required on the home page only.

IV. Advertising

Any communications between a lawyer and the public other than those defined in DR 2-101(A)

A. Content DR 2-101(C)

Information that may be communicated with the public in a dignified manner:

1. General

a. Name, including name of law firm, names of professional associates, addresses, telephone numbers, Internet

addresses and URLs, and the designation "lawyer," "attorney," "J.D.," "law firm," or the like;

- b. The following descriptions of practice:**
 - (1) "General practice"**
 - (2) "General practice including but not limited to" followed by one or more fields of practice descriptions set forth in DR 2-105(A)(2); and**
 - (3) Fields of practice, limitation of practice or specialization, but only to the extent permitted by DR 2-105**
- c. Date and place of birth**
- d. Date and place of admission to the bar of state and federal courts**
- e. Schools attended, with dates of graduation, degrees, and other scholastic distinctions**
- f. Public or quasi-public offices**
- g. Military service**
- h. Legal authorships**
- i. Legal teaching positions**
- j. Memberships, offices, and committee and section assignments in bar associations**
- k. Memberships and offices in legal fraternities and legal societies**
- l. Technical and professional licenses**
- m. Memberships in scientific, technical, and professional associations and societies**

2. Expanded Martindale Exception DR 2-101(C)

Nothing contained in these rules shall prohibit a lawyer from permitting the inclusion in reputable law lists and law directories intended primarily for the use of the legal profession of such information as traditionally has been included in these publications whether published in print or on the Internet or other electronic system.

3. Fees DR 2-101(D) - Disclosures Required

The following may be communicated to the public

- a. **Fee for an initial consultation**
- b. **Availability upon request of either a written schedule of fees, or an estimate of the fee to be charged for specific services, or both**
- c. **Contingent fee rates, subject to DR 2-106(C), provided that the statement discloses whether percentages are computed before or after deduction of costs and advises the public that in the event of an adverse verdict or decision, the contingent fee litigant could be liable for court costs, expenses of investigation, expenses of medical examinations, and costs of obtaining and presenting evidence**
- d. **Fixed fees or range of fees for specific legal services or hourly fee rates provided that, in print size at least equivalent to the largest print used in setting forth the fee information, the statement discloses:**

(1) That the stated fixed fees or range of fees will be available only to clients whose matters are encompassed within the described services

e. **Note:**

Unless otherwise specified in the public communication concerning fees, the lawyer shall be bound, in the case of fee advertising in the classified section of the telephone or city directory, for a period of at least the time between printings of the directory in which the fee advertisement appears and in the case of all other fee advertising for a period of at least 90 days thereafter, to render the stated legal service for the fee stated in the communication unless the client's matters do not fall within the described services. In that event or if a range of fees is stated, the lawyer shall render the service for the estimated fee given the client in advance of rendering the service

4. Specific Legal Services DR 2-101(E)

Specific Legal Services is limited to:

- a. **Abstract examinations and title opinions not including services in clearing title**
- b. **Uncontested dissolutions of marriage involving no disagreement concerning custody of children, alimony, child support or property settlement [see DR 5-105(A)]**
- c. **Wills leaving all property outright to one beneficiary and contingently to one beneficiary or one class of beneficiaries**
- d. **Income tax returns for wage earners**
- e. **Uncontested personal bankruptcies**
- f. **Changes of name**

- g. **Simple residential deeds**
- h. **Residential purchase and sale agreements**
- i. **Residential leases**
- j. **Residential mortgages and notes**
- k. **Powers of attorney**
- l. **Bills of sale**

5. Institution of Litigation DR 2-101(F) - Disclosures Required

In the event that the communication seeks to advise the institution of litigation, the communication must also disclose that the filing of a claim or suit solely to coerce a settlement or to harass another could be illegal and could render the person so filing liable for malicious prosecution or abuse of process.

6. Designation as Legal Clinic or Center DR 2-101(G)

The term "clinic," "center," or any other similar term shall not be used in any communication to the public unless the practice of the lawyer or the lawyer's firm is limited to specific matters as described in DR 2-101(E) for which costs of rendering the service can be substantially reduced because of the repetitive nature of the services performed and the use of standardized forms and office procedures.

7. Areas of Practice DR 2-105(A)

A lawyer may be identified as practicing in or limiting practice to certain fields of law as follows:

a. **Patents. DR 2-105(A)(1)**

A lawyer admitted to practice before the United States Patent and Trademark Office may use the designation "Patents," "Patent Attorney," "Patent Lawyer," or "Registered Patent Attorney" or any combination of those terms, on the lawyer's professional card, letterhead, office sign, professional notice or announcement, all as otherwise allowed by DR 2-102(A), and in newspapers, periodicals, telephone directory listings, and legal directories, as otherwise allowed by DR 2-101(B).

b. **CLE and Practice Percentage Requirements DR 2-105(B) & (C)**

For each field of practice the attorney must file a written report with the Commission on Continuing Education stating that the greater of 100 hours or 10% of the lawyer's time is spent in each indicated field and show 10 hours of CLE has been completed in each field. To indicate that the attorney is "practicing limited to . . ." or "practice primarily in . . ." the attorney must show the greater of 400 hours or 40% of the lawyer's time is spent in each field and show 15 hours of CLE in each field. The attorney may use "General Practice" or General Practice including (fields listed below) with out meeting the requirements above.

c. **Fields of practice. DR 2-105(A)(2)**

Subject to the exceptions and requirements of this rule, a lawyer may identify or describe his or her practice by reference to the following

fields of practice. The lawyer may, in describing the field of practice, use the suffix "law," "lawyer," "matters," "cases" or "litigation."

- (1) **Administrative Law**
- (2) **Admiralty and Maritime Law**
- (3) **Adoption Law**
- (4) **Agricultural Law**
- (5) **Alternate Dispute Resolution**
- (6) **Antitrust and Trade Regulation**
- (7) **Appellate Practice**
- (8) **Aviation and Aerospace**
- (9) **Banking Law**
- (10) **Bankruptcy**
- (11) **Business Law**
- (12) **Civil Rights and Discrimination**
- (13) **Collections Law**
- (14) **Commercial Law**
- (15) **Communications Law**
- (16) **Constitutional Law**
- (17) **Construction Law**
- (18) **Contracts**
- (19) **Corporate Law**
- (20) **Criminal Law**
- (21) **Debtor and Creditor**
- (22) **Education Law**
- (23) **Elder Law**
- (24) **Election, Campaign and Political**
- (25) **Eminent Domain**
- (26) **Employee Benefits**
- (27) **Employment Law**
- (28) **Energy**
- (29) **Entertainment and Sports**
- (30) **Environmental Law**
- (31) **Estate Planning**
- (32) **Family Law**
- (33) **Finance**
- (34) **Franchise Law**
- (35) **Government**
- (36) **Government Contracts**
- (37) **Health Care**
- (38) **Immigration**
- (39) **Indians and Native Populations**
- (40) **Insurance**
- (41) **Intellectual Property**
- (42) **International Law**
- (43) **International Trade**
- (44) **Investments**
- (45) **Labor Law**
- (46) **Legal Malpractice**
- (47) **Litigation**
- (48) **Media Law**
- (49) **Medical Malpractice**

- (50) **Mergers and Acquisitions**
- (51) **Military Law**
- (52) **Municipal Law**
- (53) **Natural Resources**
- (54) **Occupational Safety & Health**
- (55) **Pension and Profit Sharing Law**
- (56) **Personal Injury**
- (57) **Product Liability**
- (58) **Professional Liability**
- (59) **Public Utility Law**
- (60) **Real Estate**
- (61) **Securities**
- (62) **Social Security Disability**
- (63) **Taxation**
- (64) **Tax Returns**
- (65) **Technology and Science**
- (66) **Toxic Torts**
- (67) **Trademarks and Copyright Law**
- (68) **Transportation**
- (69) **Trial Law**
- (70) **Trusts and Estates**
- (71) **Wills and Probate**
- (72) **Workers' Compensation**
- (73) **Zoning, Planning and Land Use**

8. Specialization DR 2-105(E)

Certification. Unless a lawyer has been certified by an agency or program formally recognized by the Iowa Supreme Court Board of Professional Ethics and Conduct, a lawyer shall not use the following terms: "specialist," "specializing in," "certified," or "certified in." In the event that a lawyer is so certified, the lawyer may identify the certifying entity and describe the field of practice in accordance with the certification.

V. Allowable Methods of Advertising DR 2-101(B)

A. General Print Media

Lawyer advertising may be communicated to the public in newspapers, periodicals, trade journals, "shoppers," and other similar advertising media.

B. Lawyer Telephone and City Directory Listings

1. **A lawyer licensed to practice law in Iowa may permit the inclusion of the lawyer's name, address, telephone number, and designation as a lawyer, in a telephone or city directory, subject to the following requirements.**

- a. **Alphabetical listings**

- The lawyer's name, address, and telephone number and designation as a lawyer, only, may be listed alphabetically in the residential, business, and classified sections of the telephone or city directory.

b. **Classified listings**

Listings in the classified section shall be under the general heading "Lawyers" or "Attorneys," except that a lawyer who has complied with DR 2-105(B) and (C) may be listed in classifications or headings identifying those fields or areas of practice as listed in DR 2-105(A)(2). By further exception, a lawyer qualified under DR 2-105 to practice in the field of taxation law also may be listed under the general heading "Tax Preparation" or "Tax Return Preparation," either in lieu of or in addition to, the general heading "Lawyers" or "Attorneys."

c. **Display and box advertisements**

All other telephone or city directory advertising permitted by these rules, including display or box advertisements, shall include the disclosures required by DR 2-101(D) and (F) when applicable.

C. **Law Firm Telephone and City Directory Listings**

Consistent with DR 2-102(D), a law firm may permit the inclusion of the firm name, address, and telephone number in a telephone or city directory, subject to the following requirements.

1. **Alphabetical listings**

The firm name, a list of its members, address, and telephone number may be listed alphabetically in the residential, business, and classified sections of the telephone or city directory.

2. **Classified listings**

Listings in the classified section shall be under the general heading "Lawyers" or "Attorneys," except that a law firm may be listed in each of the classifications or headings identifying those fields or areas of practice as listed in DR 2-105(A)(2) in which one or more members of the firm are qualified by virtue of compliance with DR 2-105(B) and (C).

3. **Display and box advertisements**

All other telephone or city directory advertising permitted by these rules, including display or box advertising, may contain the firm name, address, and telephone number, and the names of the individual lawyer members of the firm. All display or box advertisements shall include within the ad the disclosures required by DR 2-101(D) and (F) when applicable.

D. **Solicitation**

1. **In-person solicitation**

A lawyer may not engage in the in-person or telephone solicitation of legal business under any circumstance.

2. **Written solicitation**

A lawyer may engage in written solicitation by direct mail to persons or groups who may need specific legal services because of a condition or occurrence known to the soliciting lawyer. Prior to the solicitation, the lawyer must file such proposed solicitation(s) with the Iowa Supreme Court Board of Professional Ethics and Conduct. The soliciting lawyer

shall, in addition thereto, bear the burden of proof regarding:

- a. **the truthfulness of all facts contained in the proposed communication**
- b. **how the identity and specific legal need of the potential recipient were discovered**
- c. **how the identity and specific need of the potential recipient were verified by the soliciting lawyer**

3. Direct Mail

Disclosure Fee & Institution of Litigation & Advertisement Only

4. Requirements for all Written and In-person Solicitation

a. Prior Approval from the Board

No such dissemination shall be made until the board or its designee shall, upon the facts presented, render a written finding that the solicitation is not false, deceptive, unfair or unverifiable. No information disseminated by the soliciting lawyer shall make any reference to such submission and finding. Each separate written solicitation intended for dissemination must be submitted for a finding in accordance with this rule.

b. Disclaimers

All communications authorized by DR 2-101(B)(4)(b) and (c) shall contain the disclosures required by DR 2-101(D) and (F) when applicable. These communications, and the envelope containing the same, shall in addition to other required disclosures carry the following disclosure in red ink in 9-point or larger type: "ADVERTISEMENT ONLY." A copy of all direct mail communications shall be filed with the administrator, or the administrator's designee, of the Iowa Supreme Court Board of Professional Ethics and Conduct, acting as commissioners of the supreme court as provided by chapter 35, contemporaneously with the mailing of the communications to the general public.

E. Electronic Media including Web Sites.

1. Audio

Information permitted by these rules, articulated only by a single nondramatic voice, not that of the lawyer, and with no other background sound, may be communicated by radio or television, or other electronic or telephonic media.

2. Video

In the case of television, no visual display shall be allowed except that allowed in print as articulated by the announcer.

3. Disclosures

All such communications shall contain the disclosures required by DR 2-101(D) and (F) when applicable. Whenever a disclosure or notice is required by these rules, a lawyer or law firm hosting a site on the World Wide Web shall display the required disclosure or notice on the site's home page.

VI. Record Retention DR 2-101(B)(6)

Whether or not it contains fee information, a lawyer shall preserve a copy of each advertisement placed in a newspaper, in the classified section of the telephone or city directory, or in a periodical, a tape of any radio, television, or other electronic or telephonic media commercial, or recording, and a copy of all information placed on the World Wide Web, for at least three years and a record of the date or dates and name of the publication in which it appeared or the name of the medium through which it was aired.