

**ETHICS OPINION NO. 252
OF THE MISSISSIPPI BAR
RENDERED APRIL 22, 2005**

The Ethics Committee has been asked to provide an opinion regarding a law firm's web page and the rules regarding lawyer advertising as stated in the Mississippi Rules of Professional Conduct. An inquiry has been made as to whether a law firm's web page need be submitted to the Office of General Counsel for The Mississippi Bar in accordance with Rule 7.5(a) of the Mississippi Rules of Professional Conduct, or if Rule 7.5(b)(8), MRPC, makes it exempt from the submission requirement. Next, an inquiry is made as to whether the sentence "[f]or more information please visit www.lawfirmname.com" contained in written materials constitutes a solicitation within the meaning of the rules, and if so, whether it negates the exemption outlined in Rule 7.5(b)(8), MRPC. The requestor also asks whether providing the firm web address, www.lawfirmname.com, as general information about the firm constitutes a solicitation within the meaning of the rules. These questions are posed in light of the recent amendments made by the Supreme Court of Mississippi to Rules 7.1, 7.2 and 7.5, MRPC, effective October 1, 2004.

Additionally, an opinion is sought regarding Rule 7.6, MRPC, and the requirement that an attorney certified or designated in a field of law by a non-ABA organization provide a disclaimer as outlined in the Rule and whether that requirement may be satisfied by posting a general disclaimer on the home page of the firm website with an asterisk on every attorney biography on the web page referencing the disclaimer language appearing on the home page.

Rule 7.2(a), MRPC, defines an advertisement as "an active quest for clients involving a public or non-public communication" and includes computer-accessed communication. The comment to this Rule further articulates:

Computer-accessed communications include, but are not limited to, Internet presences such as home pages or World Wide Web sites, unsolicited electronic mail communications, and information concerning a lawyer's or law firm's services that appears on World Wide Web search engine screens and elsewhere.

Rule 7.5, MRPC, addresses the mandatory submission requirement of advertisements prior to their dissemination. Rule 7.5(b), MRPC, outlines advertisements that are not required to be submitted prior to dissemination. Among these is 7.5(b)(8), MRPC, which states that "Internet Web pages viewed via a Web browser, in a search initiated by a person without solicitation" are exempt from the submission requirement. Therefore, while an internet web-page may be considered an advertisement, it is not

mandatory that it be submitted to the Office of General Counsel for The Mississippi Bar.

Additionally, providing the sentence “for more information please visit www.lawfirmname.com” in written materials does not negate the exemption provided by 7.5(b)(8), MRPC. The phrase appears only as an additional access route to a source of information, is passive, and not an “active quest for clients.” Moreover, providing www.lawfirmname.com as part of general information about the firm, such as street address and telephone number also does not constitute a solicitation. Once again, the law firm’s web address appears only as an additional source of information about the firm and is a passive, not an “active quest for clients.” Additionally, as articulated in Rule 7.2(f), MRPC, the name of the lawyer or law firm, a listing of lawyers associated with the firm, the office address and telephone numbers, office and telephone service hours in advertisements and written communications shall be presumed not to violate the provisions of Rule 7.1, MRPC. The office address referred to in this Rule includes the internet address of the law firm’s website. Therefore, it does not constitute an advertisement, even if it is a passive attempt at solicitation.

Pertaining to the content of the law firm’s website, it is not necessary for the disclaimer language required by Rule 7.2(c) and (d) and 7.4(a) to appear on every page. Moreover, it is not necessary for the biography of every attorney’s page to contain the language required by Rule 7.6(a) regarding certification or designation by a non-ABA approved organization. The requirements outlined in the aforementioned Rules may be fulfilled by way of a general disclaimer icon or link the user may click to access a web page containing the compliant language. This icon or link should be easily located on the main page of the firm’s website.

CAVEAT: An internet website may contain web pages or other types of information which are advertisements as defined in Rule 7.2 which do not fall within the exemption otherwise provided for in Rule 7.5(b)(8). Any advertisement appearing within a website exempt from submission, may require submission to the Office of the General Counsel pursuant to Rule 7.5, MRPC. Additionally, this Opinion does not circumvent Rule 7.5(d), MRPC, which allows a lawyer to request from the Office of General Counsel an advisory opinion concerning compliance of a contemplated advertisement or communication in advance of its dissemination.