



# ISBA Professional Conduct Advisory Opinion

---

**Opinion No. 14-06**  
**October 2014**

Subject: Advertising and Solicitation

Digest: A lawyer who is interviewed on television may wear clothing bearing the lawyer's firm's logo and type of law practiced.

Ref.: Illinois Rules of Professional Conduct, Rules 7.1; 7.2

ISBA Op. No. 812

## **FACTS**

A lawyer is asked to be interviewed on national television. The lawyer would like to wear clothing that bears the logo of the lawyer's firm and identifies the type of law practiced.

## **QUESTIONS**

May a lawyer wear clothing with the lawyer's firm logo and type of law practice displayed when appearing on television?

## **OPINION**

Wearing clothing in public that bears the logo of the lawyer's firm and identifies the type of law practice constitutes a communication concerning a lawyer's services and a form of advertisement. *See, e.g.*, ISBA Op. No. 812 (finding that distribution of pens imprinted with firm name, address, and practice areas was a form of attorney advertisement). It is thus governed by Rules 7.1 and 7.2 of the Rules of Professional Conduct.

Rule 7.1 provides as follows:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Rule 7.2 provides, in relevant part, as follows:

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media.

\* \* \*

(b) Any communication made pursuant to this Rule shall include the name and office address of at least one lawyer or law firm responsible for its content.

Rule 7.1 governs all communications concerning a lawyer's services, including advertisements. It prohibits communications that are false or misleading. Rule 7.2, in turn, permits a lawyer to "advertise services "through written, recorded or electronic communication, including public media," subject to Rule 7.1. RPC 7.2(a). Clothing that identifies the lawyer's firm and practice would constitute written communication and, when worn on television, also a communication through public media. The public dissemination of both types of information – the firm's logo and practice – is permitted under Rule 7.2. *See* Rule 7.2, comment 2. Further, unlike prior rules governing advertisement, Rule 7.2 does not contain prohibitions against "undignified" advertising. We raise this point not to suggest that the proposed apparel advertisement would be undignified, but only to note that such subjective considerations are no longer part of the analysis as to whether advertisement is permitted. *See* Rule 7.2, comment 3.

Rule 7.2 also requires that any communication include the name and address of at least one lawyer or law firm responsible for its content. Thus, during the interview, the name of the firm or lawyer and the location of the firm should be identified. The logo on the apparel may be sufficient for that purpose. (We also assume for purposes of this opinion that the lawyer has not paid or given anything of value to be interviewed on television and that the interviewer will not recommend the lawyer's services. If those assumptions are incorrect, Rule 7.2(b) would be relevant.)

### **CONCLUSION**

A lawyer is permitted to wear clothing with the firm logo and type of practice when being interviewed on television, provided that the information communicated is truthful and not misleading.

---

**Professional Conduct Advisory Opinions are provided by the ISBA as an educational service to the public and the legal profession and are not intended as legal advice. The opinions are not binding on the courts or disciplinary agencies, but they are often considered by them in assessing lawyer conduct.**