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## **Filing Requirement - Rule 4-7.19(a)**

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### **Direct Mail and Direct Email - Rule 4-7.19(a)**

All unsolicited direct mail and direct e-mail advertisements must be filed for review at least 20 days before their planned use. Rules 4-7.19(a) and 4-7.20(a).

### **All other media (television, radio, print, billboards and signs, Internet banner and pop-up ads, etc.) - Rule 4-7.19(a)**

Television, radio, print, and Internet advertisements (except for lawyer or law firm websites) must be filed for review with the bar at its headquarters address at least 20 days before their first use, unless the content of the advertisements is limited to the presumptively valid content listed in Rule 4-7.16. Rules 4-7.19(a) and 4-7.20(a). Presumptively valid content is also commonly referred to as "safe harbor" or "tombstone" information.

### **Where to File**

All required filings must be submitted to: Ethics and Advertising Department, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300.

### **When to File**

All required filings must be submitted for review at least 20 days before the first use of the advertisement to allow for a 15-day evaluation period and 5 days mailing time.

### **Contents of Filing**

A filing with the bar must include:

- a copy of the advertisement:
- on DVD or flash drive for television (one advertisement per DVD or flash drive)\*
- on CD or flash drive for radio (one advertisement per CD or flash drive)\*
- plus all enclosures and a sample envelope for direct mail
- noted as a self-mailer on the cover sheet or cover letter for self-mailing direct mail
- a transcript of the audio portion of the recording, if audio is used;
- a printed copy of all text used in the advertisement, including both on-screen text and audio if applicable;

- a statement listing all media in which the advertisement or communication will appear, the expected 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;
- the name of the lawyer responsible for the content;
- a check made payable to The Florida Bar including \$150 for each advertisement timely filed (at least 20 days in advance of first use) and \$250 for each advertisement filed late (less than 20 days in advance of first use); and
- an accurate English translation if the advertisement appears in a language other than English.

\*Note: the advertisement must be capable of duplication by The Florida Bar for the committee's use. Please do not send a recording that is locked to prevent duplication. If the advertisement is being provided via electronic recording, the recording must be sent via DVD, CD or flash drive. The Florida Bar will not accept an e-mailed link or e-mailed file as the filing or a hypertext link on a DVD or CD. The preferred file format for advertisements recorded electronically for is [H.264 / MPEG-4](#) or AVC (advanced video coding). Resolution should not be larger than 720x480. [VLC Media Player](#) is the preferred software that will be used by The Florida Bar to view electronically recorded advertisements. Windows Media (.wmv), QuickTime (.mov or .qt) and Real Player (.rm, .ram, .rmvb) files can also be viewed.

### **Review by The Florida Bar**

Advertisements will not be reviewed until the bar has received a complete filing. The bar will mail a response on or before 15 days from the date a complete filing is received. The bar's response will be mailed to the lawyer responsible for the advertisement's content at that lawyer's record bar address. If the advertisement is submitted by someone other than the lawyer, such as a marketer or a nonlawyer employee, the bar will mail a copy of the bar's response to that person on request. If an incomplete filing is received by the bar, or if the bar has questions regarding the content of the submission, the bar will mail a notification of the information required to complete the file, or the additional information requested, on or before 15 days from the date the filing is received.

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### **Exemptions from Filing Requirement - Rule 4-7.20**

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Certain types of advertisements are exempt from the filing requirement. An advertisement that is exempt need not be filed for review. The fact that an advertisement is exempt from the filing and review requirements of Rule 4-7.19 does not mean that it is exempt from the other provisions of Subchapter 4-7. Thus, all advertisements must include, at a minimum, the name of at least one lawyer, law firm, or lawyer referral service responsible for the advertisement's content and the geographic location, by city, town or county of at least one bona fide office location of the lawyer who will perform the advertised services. Rules 4-7.12(a)(1) and (a)(2).

For additional regulations governing all forms of lawyer advertising, see Rules 4-7.12 through 4-7.17 and 4-7.21. The following are exempt from the filing requirement:

**Announcements of Contribution or Sponsorship – Rule 4-7.20(b)**

A brief announcement in any public medium that identifies a lawyer or law firm as a contributor to a specified charity or as a sponsor of a public service announcement or a specified charitable, community, or public interest program, activity, or event, provided that the announcement contains no information about the lawyer or law firm other than the presumptively valid content of advertisements set forth in Rule 4-7.16.

**Legal Listings – Rule 4-7.20(c)**

A listing or entry in a law list or bar publication

**Mailings to lawyers, current clients and former clients – Rule 4-7.20(d)**

Mailings that are sent only to other lawyers, current clients, and former clients

**Communications sent at the request of a prospective client – Rule 4-7.20(e)**

Mailings or other communications sent to a prospective client at that prospective client's request

**Professional Announcements – Rule 4-7.20(f)**

Professional announcement cards (announcing changed associations or addresses) that are mailed only to relatives, close personal friends, existing clients, former clients, or other lawyers.

**Websites – Rule 4-7.20(g)**

Lawyer and law firm websites are exempt from the filing requirement, including pop-ups on the lawyer or law firm's own website.

**Florida Bar Consumer Information Pamphlets – SCA decision**

Florida Bar consumer information pamphlets stamped with a lawyer's exempt contact information and placed in the lobby of a business where pick up by consumers is strictly voluntary are exempt from the filing requirement.

**Florida Bar *Journal* and *News* Advertisements – SCA decision**

Advertisements by lawyers placed in the Florida Bar *Journal* and Florida Bar *News* are not required to be filed for review. Please note that the editorial policy of the Florida Bar *Journal* and Florida Bar *News* is that advertisements must comply with substantive lawyer advertising rules.

## **Letterhead & Business Cards - SCA decision**

Letterhead and business cards, provided they are not used in an unsolicited, direct mail communication or duplicated for publication in an advertising medium, are exempt from the filing requirement.

## **Mediator Advertisements – SCA decision**

Advertisements solely for mediator services in which the advertisements contain no information about legal services or experience other than that the mediator is a member of The Florida Bar, are exempt from the filing requirement.

## **Newspaper Articles and Columns – SCA decision**

Newspaper articles and columns that are written by a lawyer that are informational and do not contain promotional information about the lawyer are not required to be filed for review.

## **Newsletters – SCA decision**

Informational newsletters which contain the lawyer or law firm's name, address, phone number and fax number must be filed for review. If the promotional information about the lawyer or law firm does not change from issue to issue, only the first issue of the newsletter is required to be filed for review; subsequent issues need not be filed for review (Advertising Opinion A-99-1).

## **Solicitation of Birth Mothers - SCA decision**

Advertisements to solicit birth mothers when placed by an attorney on behalf of existing adoption clients are not required to be filed for review.

## **Solicitation of Witnesses – SCA decision**

Florida's lawyer advertising rules do not apply to notices to find witnesses if the lawyer has an existing client and the lawyer does not intend to accept prospective clients as a result of placing the notice seeking witnesses.

## **"Tombstone" Ads for Lawyer Referral Services – Rules 4-7.20(a) and 4-7.16(b)**

A lawyer referral service advertisement that contains no information or illustrations other than its name, location, telephone number, the referral fee charged, its hours of operation, the process by which referrals are made, the areas of law in which referrals are offered, the geographic area in which the referral lawyers practice, and, if applicable, the service's nonprofit status, its status as a lawyer referral service approved by The Florida Bar, and the logo of its sponsoring bar association. Direct mail and direct email advertisements do not fall within this exception and must always be filed for review.

## **“Tombstone” Ads for lawyers or law firms- Rules 4-7.20(a) and 4-7.16(a)**

Direct mail and direct email advertisements do not fall within this exception and must always be filed for review. An advertisement in any public medium (e.g., t.v., radio, print, Internet banner, Internet pop-up) that contains no information other than the following is not required to be filed for review:

- the name of the lawyer or law firm, a listing of firm lawyers, office locations and parking arrangements, disability accommodations, telephone numbers, Web site addresses, e-mail addresses, office and telephone service hours, and a designation such as "attorney" or "law firm";
- date of admission to The Florida Bar and any other bars; current membership or positions held in The Florida Bar, its sections or committees or those of other state bars; former membership or positions held in The Florida Bar, its sections or committees, together with dates of membership or those of other state bars; former legal positions or legal employment together with the dates the positions were held; years of experience practicing law, number of lawyers in the advertising firm, and a listing of federal courts and jurisdictions other than Florida where the lawyer is licensed to practice;
- technical and professional licenses granted by the state or other recognized licensing authorities and educational degrees received, including dates and institutions; military service, including branch and dates of service;
- military service, including branch and dates of service;
- foreign language ability;
- fields of law in which the lawyer practices, including official certification logos subject to Rule 4-7.14(a)(4) on certification or specialty;
- participation in prepaid or group legal service plans;
- credit cards accepted;
- fee for initial consultation and fee schedule, subject to Rule 4-7.14(a)(5) regarding disclosing client responsibility for costs and honoring advertised fees;
- common salutary language such as "best wishes," "good luck," "happy holidays," "pleased to announce," or "proudly serving your community";
- punctuation marks and common typographical marks;
- an illustration of the scales of justice not deceptively similar to official certification logos or The Florida Bar logo, a gavel, traditional renditions of Lady Justice, the Statute of Liberty, the American flag, the American eagle, the State of Florida flag, an unadorned set of law books, the inside or outside of a courthouse, column(s), diploma(s), or a

photograph of the lawyer or lawyers who are members of or employed by the firm against a plain background consisting of a single solid color or a plain unadorned set of law books.