

STATEWIDE GRIEVANCE COMMITTEE



Advisory Opinion #09-03159-A Video on Demand Television Advertisement On Foreclosure Law

Pursuant to Practice Book §2-28B, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, reviewed a request for an advisory opinion filed on May 18, 2009. The proposed advertisement is a video on demand (VOD), which is an information advertisement on the general subject of foreclosure. It is designed to be aired on a specific channel provided by a local cable television company. The advertisement would be available among a library of informational programming placed on a designated channel by the local cable television provider. The VOD is three minutes in duration and will be available at any time for a three month period to a viewer who selects the designated channel and the proposed advertisement from the menu. This reviewing committee concludes that the proposed television advertisement or VOD complies with the Rules of Professional Conduct.

The proposed advertisement has been submitted in the form of a script and does not include the actual video. The script provides a detailed description of the graphics that will be displayed in the video portion of the proposed advertisement, including the actual words displayed and their sequence. The script also provides a verbatim report of the words to be spoken during the audio portion of the commercial. The proposed advertisement will be presented by a spokesperson who will state at the beginning, "I am a paid non-attorney

spokesperson." In this television advertisement, the speaker will discuss the importance to homeowners of understanding their rights in an economic downturn. Homeowners are advised of the importance of obtaining legal counsel if they are in foreclosure or behind on mortgage payments. The spokesperson indicates that the initial consultation with the firm is free. The firm will assess the homeowner's situation, describe a plan of action and provide an estimate of the costs.

The spokesperson then explains the foreclosure process and the various options that may be available to a homeowner, such as negotiation with the lender and foreclosure by sale. The speaker indicates that legal counsel is desirable in foreclosure because of the potential for a deficiency judgment. The spokesperson then states that the law firm has represented homeowners, tax lien holders and banks in thousands of foreclosures for over 50 years and invites the viewer to telephone the firm or visit the firm's website which are provided.

The graphics in the proposed advertisement will begin with multiple "dissolves" of pictures of newspaper headlines about the economic downturn and photographs of "For Sale" signs in front of homes. Pictures of the firm's attorneys and office will be displayed. Graphics will be shown that advertise information about the initial free meeting with the law firm and the various options that will be explored such as "Work with the Lender to Modify the Mortgage" or "Negotiate a Short Sale." The words "Don't Give Up! and "Deficiency Judgement [sic]" will be displayed.

The advertisement will display the name, address and telephone number of one lawyer responsible for the advertisement in bold print, which is readable, for at least fifteen seconds pursuant to Rule 7.2(d).


None of the information in the proposed advertisement is misleading pursuant to Rule

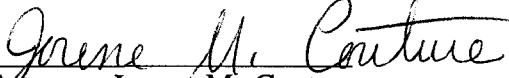
7.1 and the advertisement complies with Rule 7.2(d), which requires television commercials to display the name, address and phone number of the responsible attorney admitted in Connecticut. Although this advertisement displays the firm's website address, the website itself was not reviewed in connection with this advisory opinion request.

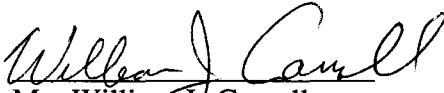
Accordingly, this reviewing committee opines that the proposed advertisement complies with the Rules of Professional Conduct.

ISSUE DATE: June 3, 2009

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