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8 **IN THE SUPREME COURT**  
9 **STATE OF ARIZONA**

10 PETITION TO AMEND ARIZONA  
11 SUPREME COURT RULE 42,  
12 Ethical Rule 7.2

Supreme Court No. R-\_\_\_\_\_

**Petition to Amend Rule 42, ER 7.2,  
Ariz. R. Sup. Ct.**

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14 Pursuant to Rule 28, Ariz. R. Sup. Ct., the State Bar of Arizona petitions the  
15 Court to amend Ethical Rule (“ER”) 7.2(c) of the Rules of Professional Conduct,  
16 contained in Rule 42, Ariz. R. Sup. Ct. This rule, which relates to legal advertising,  
17 currently requires that: “Any communication made pursuant to this Rule shall  
18 include the name and office address of at least one lawyer or law firm responsible  
19 for its content.”

20 The term “office address” is not defined. The only other rule that discusses  
21 office address is Rule 32(c)(3), Ariz. R. Sup. Ct., which requires State Bar members  
22 to provide to the State Bar “a current street address” and “any other post office  
23 address the member may use,” among other contact information.

24 Some attorneys do not maintain physical commercial office locations but  
25 practice from their homes, meeting with clients at the clients’ homes or businesses  
26

1 or at public locations. Many also do not have an alternative mailing address, such  
2 as a post office box or commercial mail facility.

3 The term “office address” in ER 7.2(c) means that under the rule as it is  
4 currently written, these lawyers must publish their home addresses – the only  
5 addresses they have – in any communications, including advertisements. The  
6 requirement to list an “office address” thus may create privacy and security  
7 concerns for these practitioners.

8 Potential clients should have access to at least some information about where  
9 an advertising lawyer will provide services, both so that they are not misled about  
10 the degree of access they will have to the lawyer (as in the case of a lawyer located  
11 in another city or state who maintains a mailing address in their city), and so that  
12 they have sufficient contact information (a mailing address) at which to reach the  
13 lawyer during the representation or if difficulties should arise with the  
14 representation itself.

15 The proposed amendment balances these concerns by requiring only a  
16 mailing (rather than street) address, along with disclosure of the geographic  
17 location of the office in which legal services are performed.

18 The following amendment is proposed so that ER 7.2(c) would read as  
19 follows:

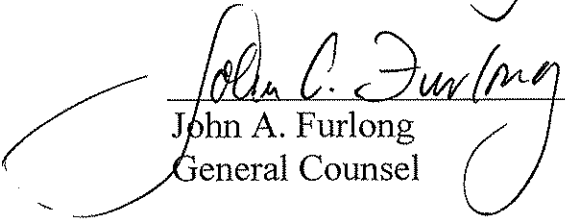
20 Any communication made pursuant to this Rule shall include the  
21 name and mailing address of at least one lawyer or law firm  
22 responsible for its content. If the mailing address is not the address  
23 of the office at which the services advertised will be performed, the  
24 communication shall disclose the geographic location, by city or  
25 town, of the principal office in which the lawyer or lawyers who will  
26 actually perform the services advertised practice law. If the office is  
located in an unincorporated area and not in a city or town, the  
communication shall disclose the county in which the office is  
located.

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A redlined version of the proposed amendment is set forth in Appendix A.

For the foregoing reasons, the State Bar of Arizona respectfully requests that the Court amend ER 7.2(c) of the Rules of Professional Conduct, contained in Rule 42, Ariz. R. Sup. Ct., by adopting the language set forth herein.

RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of January, 2013.

  
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John A. Furlong  
General Counsel

Electronic copy filed with the Clerk of the Supreme Court of Arizona this 9<sup>th</sup> day of January, 2013.

By: Kathleen A. Ludwig

## **APPENDIX A**

**State Bar's proposed amendment to Supreme Court Rule 42, ER 7.2(c):**

*(Petitioner's proposed additions are indicated by underscoring)*

ER 7.2. Advertising

...

(c) Any communication made pursuant to this Rule shall include the name and office mailing address of at least one lawyer or law firm responsible for its content. If the mailing address is not the address of the office at which the services advertised will be performed, the communication shall disclose the geographic location, by city or town, of the principal office in which the lawyer or lawyers who will actually perform the services advertised practice law. If the office is located in an unincorporated area and not in a city or town, the communication shall disclose the county in which the office is located.