STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE
Kerry O'Connell, *Assistant Bar Counsel*

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December 21, 2007

Attorney Kimberly A. Knox
Attorney Wesley Horton
Horton, Shields & Knox, P.C.
90 Gillett Street
Hartford, CT 06105

Re: Advisory Opinion# 07-01009-A

Dear Attorneys Knox and Horton,

Your request for review dated December 4, 2007 of the above advisory opinion was placed on the December 20, 2007 agenda of the Statewide Grievance Committee. The Committee agreed to review the opinion issued by the reviewing committee. The Committee also reviewed the arguments made in your December 4, 2007 Request for Review.

There is no evidentiary proceeding and no burden of proof involved in the issuance of an advisory opinion. The advisory opinion was requested pursuant to Practice Book § 2-28B; therefore the opinion is not binding on the requesting lawyer and is based on the record submitted by the lawyer. If the requesting lawyer chooses to run the advertisement in spite of the finding that it violates the Rules of Professional Conduct, the Committee will forward its file to Disciplinary Counsel and direct Disciplinary Counsel to file a presentment against the requesting lawyer.

The Statewide Grievance Committee affirmed the opinion of the reviewing committee and found the following:

1. Regarding Statement 1: "It's all about winning. It's all about you and what you deserve."

The Committee concurred with the reviewing committee's finding that this statement is potentially misleading under Rule 7.1 of the Rules of Professional Conduct. The statement could be corrected by an appropriate disclaimer. The Committee concluded that the disclaimer you proposed was appropriate. The disclaimer should appear in writing prominent enough to be readable and displayed for 15 seconds or the duration of the commercial, whichever is less.

2. Regarding Statement 2: 1-800-WIN-WIN-1

The Committee disagreed with the reviewing committee's finding that the phone number is an inherently misleading statement under Rule 7.1. The Committee found the statement to be potentially misleading. The statement could be corrected by an appropriate disclaimer. The Committee concluded that the disclaimer proposed for statement number one was appropriate also for statement number two.

3. Regarding Statement 3: "No out of state insurance company is allowed to come in here and treat you unfairly."

The Committee found that it cannot determine if the statement is misleading because it has not been substantiated. The statement must therefore be removed.

Accordingly, pursuant to Practice Book § 2-28B, the advisory opinion will be posted on the Judicial Branch website on or after 30 days from its issuance. If you have any questions, please do not hesitate to email me at Kerryjohnson.Oconnell@jud.ct.gov. or telephone me at (860) 568-5157 x327.

Very truly yours,

Kerry O'Connell

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Cc: Attorney Joseph C. Morelli