



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Kerry O'Connell, *Assistant Bar Counsel*

287 Main Street
Second Floor – Suite Two
East Hartford, CT 06118-1885
(860) 568-5157 Fax (860) 568-4953
Judicial Branch Website: www.jud.ct.gov

November 5, 2007

Attorney David Atkins
Tyler, Cooper & Alcorn, LLP
555 Long Wharf Drive, 8th Floor
P.O.Box 1936
New Haven, CT 06509-0906

Re: Advisory Opinion No.07-00188-A

Dear Attorney Atkins,

The reviewing committee is in receipt of your letter dated October 25, 2007. After consultation, I am responding on their behalf. This committee has some questions regarding your standing to request a modification of the above referenced advisory opinion, but in the best interests of the bar we have considered your request.

This committee believes that it has issued a thorough analysis of the proposed advertisement that was placed before it by the requesting party. We decline to modify our advisory opinion based on information not before us at the time of the advisory opinion request.

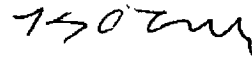
You indicate your client, Key Professional Media, Inc. has modified the wording on its website in an attempt to create an appropriate disclaimer, addressing our concerns as expressed in the advisory opinion, about the *Super Lawyers* selection process. We find the information on your website under the section "The Selection Process" and caption "Connecticut Selection Statistics-2007" sufficient in its explanation of the *Super Lawyers* selection process.

However, under "Publication Information" on the same page of the website as the new disclaimer, there is the statement that "Super Lawyers names the top 5 percent of Connecticut lawyers, as chosen by their peers and through the independent research of Law & Politics. 2006 Connecticut Super Lawyers is based on the survey of more than 13,000 attorneys across the state who have been in practice for five years or more." As our advisory opinion indicates, this is an inherently misleading statement that cannot be disclaimed. If this paragraph was removed from the website, we would find your disclaimer appropriate.

You further indicate that in future *Super Lawyers* magazines with references to Connecticut attorneys, your client will place a reference to a selection process page at the top or bottom of each page that has an advertisement for a Connecticut lawyer. This selection process page in the *Super Lawyers* publication will contain a pinpoint link that brings the reader directly to a *Super Lawyers* webpage containing the information regarding the Connecticut selection process. We find that this proposal would be sufficient for advertisements appearing in any *Super Lawyers* publication. However, attorney advertisements, regarding their inclusion on the *Super Lawyers* list, that appear in other publications or media would need to have a pinpoint website link embedded in the particular advertisement.

If you have any questions in regard to this letter, please do not hesitate to email me at KerryjohnsonOconnell@jud.ct.gov. or telephone me at (860) 568-5157 x327.

Very truly yours,



Kerry O'Connell

cc: Eric Grant
William Breg



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November 5, 2007

Attorney David Atkins
Tyler, Cooper & Alcorn, LLP
555 Long Wharf Drive, 8th Floor
P.O.Box 1936
New Haven, CT 06509-0906

Re: Advisory Opinion No. 07-00776-A

Dear Attorney Atkins,

The reviewing committee is in receipt of your letter dated October 25, 2007. After consultation, I am responding on their behalf. This committee has some questions regarding your standing to request a modification of the above referenced advisory opinion, but in the best interests of the bar we have considered your request.

This committee believes that it has issued a thorough analysis of the proposed advertisement that was placed before it by the requesting party. We decline to modify our advisory opinion based on information not before us at the time of the advisory opinion request. The advertisement as submitted by the requestor did not contain the disclaimer language regarding the top 50 selection process.

You indicate your client, Key Professional Media, Inc. has modified the wording on its website in an attempt to create an appropriate disclaimer, addressing our concerns as expressed in the advisory opinion, about the *Super Lawyers* selection process. We find the information on your website under the section "The Selection Process" and caption "Connecticut Selection Statistics-2007" sufficient in its explanation of the *Super Lawyers* selection process.

However, under "Publication Information" on the same page of the website as the new disclaimer, there is the statement that "Super Lawyers names the top 5 percent of Connecticut lawyers, as chosen by their peers and through the independent research of Law & Politics. 2006 Connecticut Super Lawyers is based on the survey of more than 13,000 attorneys across the state who have been in practice for five years or more." As our advisory opinion indicates, this is an

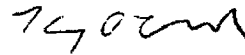
inherently misleading statement that cannot be disclaimed. If this paragraph was removed from the website, we would find your disclaimer appropriate.

You further indicate that in future *Super Lawyers* magazines with references to Connecticut attorneys, your client will place a reference to a selection process page at the top or bottom of each page that has an advertisement for a Connecticut lawyer. This selection process page in the *Super Lawyers* publication will contain a pinpoint link that brings the reader directly to a *Super Lawyers* webpage containing the information regarding the Connecticut selection process. We find that this proposal would be sufficient for advertisements appearing in any *Super Lawyers* publication. However, attorney advertisements, regarding their inclusion on the *Super Lawyers* list, that appear in other publications or media would need to have a pinpoint website link embedded in the particular advertisement.

Your letter states that for advertisements that list a top 50 Super Lawyers listing, the magazine will list on the same page as the advertisement, language directing the reader to the same disclaimer language approved by the advisory opinion. However, as indicated above, for advertisements that appear in other publications or media, either the actual disclaimer language or a website pinpoint link would need to be embedded in the particular advertisement.

If you have any questions in regard to this letter, please do not hesitate to email me at KerryjohnsonOconnell@jud.ct.gov. or telephone me at (860) 568-5157 x327.

Very truly yours,



Kerry O'Connell

cc: Michael Neubert
Douglas Skalka
Eric Stockman
Andrew Lubin