



**State Bar of Nevada
Lawyer Advertising Advisory Committee
Rules of Procedure**

I. Definitions

- A. *Advance Advisory Opinion.* A voluntary, pre-dissemination opinion obtained through the Committee pursuant to NRPC 7.2B(c).
- B. *Advertisement.* Any communication or solicitation as set forth in NRPC 7.1 through 7.5 in the public media, including print, radio, television, and the Internet.
- C. *Advertising Administrator.* The Advertising Administrator, as provided for in NRPC 7.2B is responsible for providing administrative support to the Committee
- D. *Board of Governors.* The Board of Governors of the State Bar of Nevada.
- E. *Chair.* The Chair of the Lawyer Advertising Advisory Committee.
- F. *Compliant.* An advertisement that comports with the Nevada Rules of Professional Conduct.
- G. *Derivative Advertisement.* An advertisement containing only a portion of a previously filed or approved advertisement, which is substantively identical to the filed or approved advertisement and does not contain any new substantive content.
- H. *Media Campaign.* A package presentation of bundled lawyer advertising. This will often include a specific “concept” that incorporates slogans, jingles, or images that may be used in multiple media and presented in varying ways. The underlying concept and substantive content, however, is consistent. All materials must be submitted in a single presentation.
- I. *Tombstone Advertisements.* An advertisement in any public medium (e.g. TV, print, radio, internet banner, internet pop-up) that contains no information other than the following:
 - 1. Information contained in NRPC 7.2(h)(1)-(9);
 - 2. Current membership or positions held with the State Bar of Nevada, its sections or committees, together with the dates of membership;
 - 3. Military service, including branch and dates of service; and
 - 4. Common salutary language such as “best wishes,” “good luck,” “happy holidays,” “pleased to announce,” or “proudly serving your community.”
- J. *Written Solicitations.* As described in NRPC 7.3, including, but not limited to flyers, inserts, newspapers, pamphlets and postcards.

II. Committee Composition and Terms

- A. The Board of Governors of the State Bar of Nevada created two Standing Lawyer Advertising Advisory Committees pursuant to NRPC 7.2B; one for each northern and southern Nevada district.
- B. Committee members are appointed by the Board of Governors for two-year terms and may be reappointed for a lifetime total of 12 years.
- C. The Board of Governors shall appoint a Chair and Vice-Chair of the northern and southern district Committees to one-year terms, with eligibility for reappointment at the Board's discretion.
- D. The Board of Governors may remove a member from the Committee for cause, including failure to attend three meetings in any 12-month period, absent a compelling reason. Failure to attend any three consecutive meetings is automatic unless the Advertising Committee approves a motion to retain the member.

III. Purpose of the Lawyer Advertising Advisory Committee

The Lawyer Advertising Advisory Committee is established to:

- A. Review advertisements submitted under NRPC 7.2A and refer any advertisements considered to be non-compliant to the State Bar of Nevada's Office of Bar Counsel; and
- B. Respond to written requests for an Advance Advisory Opinion submitted pursuant to NRPC 7.2B.

IV. Exemptions from Filing Under NRPC 7.2A

- A. The Lawyer Advertising Advisory Committee has established exemptions to mandatory filing of advertisements pursuant to NRPC 7.2A.
- B. Exemption from filing shall not be construed to exempt the following from compliance with Nevada Rules of Professional Conduct.
- C. Advertisements considered exempt from filing may be voluntarily submitted for an Advance Advisory Opinion.
- D. Advertisements exempt from filing include:
 - 1. Announcements limited to change of address, affiliation, or staffing;
 - 2. Derivative advertisements;
 - 3. Listings in a regularly published law list, newsletter, or similar publication directed primarily to other lawyers and legal professionals;
 - 4. Tombstone advertisements; and
 - 5. Websites

V. Format for Filing

- A. Each individual advertisement must be accompanied by the Mandatory Filing Form (if filing under NRPC 7.2A) or the Advertising Advance Opinion Request Form and fee (if filing under NRPC 7.2B). The mandatory filing form must be signed by the attorney who is responsible for the content of the advertisement.
- B. Advertisements filed under NRPC 7.2A must be submitted within 15 days of dissemination.
- C. All advertisements should be submitted via email in electronic format to the Advertising Administrator. Advertisements may also be filed online through the online form. Acceptable formats are: Adobe PDF, Microsoft WORD, Windows Media, etc.
- D. All print advertisements must be submitted in color. If the print advertisement is mailed to prospective clients, the filed submission should be accompanied by a copy of the front and back of the envelope in which it will be disseminated (in color).
- E. Any audio or video advertisement must be accompanied by a complete written transcript of the advertisement. Any non-English advertisement (audio, video or print) must also be accompanied by a complete English translation transcript.

VI. Fee Schedule

- A. A \$250 non-refundable fee applies to requests for Advance Advisory Opinions under NRPC 7.2B. A separate fee will be assessed for each advertisement for which an Advance Advisory Opinion is requested.
- B. For expedited requests of Advance Advisory Opinions, a separate \$250 fee will be assessed.

VII. Administration

- A. *Frequency.* The northern and southern district Lawyer Advertising Advisory Committees shall hold one meeting each month on a date designated by the Chair. The Chair may call a special meeting at any time.
- B. *Location:* Meetings may occur in person or via an alternative format including videoconference, teleconference or email.
- C. *Quorum.* At least five members of the Committee must be present to constitute a quorum.
- D. *Voting.* Each Committee member shall have a single vote. Action of the Committee shall be by majority vote of the members present.

- E. *Alternative Forms of Voting.* The Chair may direct that consideration of advertising filings be submitted to the Committee for a vote by alternative means, including email. In that event, binding action of the Committee shall be by a majority of the votes received and shall be reduced to writing.
- F. *Conflicts.* A Committee member conflicted from a particular review may not vote or otherwise participate in the review and resolution of the matter unless the submitting advertising attorney chooses to waive the conflict.
- G. *Notice.* The Advertising Administrator shall give members of the Committee not less than 15 days written notice of the time and place of each regular meeting and not less than five days written notice of any special meeting.
- H. *Minutes.* The Advertising Administrator shall prepare written minutes of each Committee meeting. Minutes shall be retained in electronic format permanently.
- I. *Designation of Alternate Chair.* If the Chair is absent from any meeting, he or she may designate another Committee member to preside at the meeting.
- J. *Appearances.* Meetings of the Lawyer Advertising Advisory Committee are open to the public. However, the Committee is not a court or adjudicatory body and therefore, oral presentations or argument by or for an advertiser shall not be permitted, except during the Committee's review of media campaigns.
- K. *Open Records.* All Committee records and applications are available for public viewing upon request to the Advertising Administrator with the exception of such content that is (1) personal in nature, such as payment information and non-public contact information, (2) proprietary, or (3) otherwise protected by law.
- L. *Record Retention.* Filed advertisements, including the filing form and related audio, video and written records will be retained by the State Bar of Nevada for three years after the date of filing.
- M. *Rules of Procedure.* Committee meetings shall be governed by Roberts Rules of Order.

VIII. Amendments

These bylaws may be amended at any time by a majority vote of the members of the Committee and approved by the Board of Governors.