

State Bar of South Dakota

**Ethics Opinion 96-11**

October 2, 1996

- *Rule 7.2*
- *Subject: Advertisements; Contingent fee agreements*
- *Summary: When advertising contingent fees, disclosure of how fees are computed and that client will bear expenses must be specific and conspicuous.*

You have requested information from this committee concerning any reviews of particular yellow page advertisements for contingent fee agreements that comport with Rule 7.2(g)(iii).

**OPINION**

The committee is of the opinion that there are many different and creative ways to comply with Rule 7.2(g)(iii). This committee has not and would not approve a particular advertisement. However, every advertisement which mentions the availability of contingent fees must “conspicuously disclose whether percentages are computed before or after deduction of costs, and ... specifically and conspicuously state that the client will bear the expenses ... regardless of the outcome ...”.

*Lonnie R. Braun*  
Chair, Ethics Committee  
State Bar of South Dakota