

SECOND REGULAR SESSION

# SENATE BILL NO. 679

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3752S.01I

## AN ACT

To amend supreme court rule 4-7.2, relating to advertisements for legal services.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Supreme court rule 4-7.2 is amended, to read as follows:

2 4-7.2. Advertising

3 (a) Subject to the requirements of Rule 4-7.1, a lawyer may advertise  
4 services through public media, such as a telephone directory, legal directory,  
5 newspaper or other periodical, outdoor advertising, radio, [or] television,  
6 **internet, or other electronic media**, or through direct mail advertising  
7 distributed generally to persons not known to need legal services of the kind  
8 provided by the lawyer in a particular matter.

9 (b) A copy or recording of an advertisement or written communication  
10 shall be kept for two years after its last dissemination along with a record of  
11 when and where it was used. The record shall include the name of at least one  
12 lawyer responsible for its content unless the advertisement or written  
13 communication itself contains the name of at least one lawyer responsible for its  
14 content.

15 (c) A lawyer shall not give anything of value to a person for recommending  
16 the lawyer's services, except that:

17 (1) a lawyer may pay the reasonable cost of advertising or written  
18 communication permitted by this Rule 4-7.2;

19 (2) a lawyer may pay the reasonable cost of advertising, written  
20 communication, or other notification required in connection with the sale of a law  
21 practice as permitted by Rule 4-1.17; and

22 (3) a lawyer may pay the usual charges of a qualified lawyer referral

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

23 service registered under Rule 4-9.1 or other not-for-profit legal services  
24 organization.

25 (d) A lawyer may not, directly or indirectly, pay all or a part of the cost  
26 of an advertisement in the public media unless such advertisement discloses the  
27 name and address of the financing lawyer, the relationship between the  
28 advertising lawyer and the financing lawyer, and whether the advertising lawyer  
29 is likely to refer cases received through the advertisement to the financing  
30 lawyer. Similarly, in any communications such as television, radio, or other  
31 electronic programs purporting to give the public legal advice or legal  
32 information, for which programs the broadcaster receives any remuneration or  
33 other consideration, directly or indirectly, from the lawyer who appears on those  
34 programs, the lawyer shall conspicuously disclose to the public the fact that the  
35 broadcaster has been paid or receives consideration from the lawyer appearing  
36 on the program.

37 (e) A lawyer or law firm shall not advertise the existence of any office  
38 other than the principal office unless:

39 (1) that other office is staffed by a lawyer at least three days a week, or

40 (2) the advertisement states:

41 (A) the days and times during which a lawyer will be present at that  
42 office, or

43 (B) that meetings with lawyers will be by appointment only.

44 (f) Any advertisement or communication made pursuant to this Rule 4-7.2,  
45 other than written solicitations governed by the disclosure rules of Rule 4-7.3(b),  
46 shall contain the following conspicuous disclosure:

47 "The choice of a lawyer is an important decision and should not be based  
48 solely upon advertisements."

49 "Conspicuous" means that the required disclosure must be of such size,  
50 color, contrast, location, duration, cadence, or audibility that an ordinary person  
51 can readily notice, read, hear, or understand it.

52 **If the advertisement or communication is made on an internet**  
53 **website, online profile, internet advertisement, or other electronic**  
54 **media, the required disclosure shall appear on the same page as the**  
55 **advertisement or communication requiring the disclosure.**

56 (g) The disclosures required by Rule 4-7.2(e) and (f) need not be made if  
57 the information communicated is limited to the following:

58 (1) the name of the law firm and the names of lawyers in the firm;

59 (2) one or more fields of law in which the lawyer or law firm practices;  
60 (3) the date and place of admission to the bar of state and federal courts;  
61 and  
62 (4) the address, including e-mail and web site address, telephone number,  
63 and office hours.

64 (h) Any words or statements required by Rules 4-7.1, 4-7.2, or 4-7.3 to  
65 appear in an advertisement or direct mail communication must appear in the  
66 same language in which the advertisement or direct mail solicitation appears. If  
67 more than one language is used in an advertisement or direct mail  
68 communication, any words or statements required by Rules 4-7.1 to 4-7.6 must  
69 appear in each language used in the advertisement or direct mail communication.

70 (i) The provisions of Rule 4-7.2 shall not apply to services provided by a  
71 not-for-profit organization funded in whole or in part by the Legal Services  
72 Corporation established by 42 U.S.C. section 2996(b) or to pro bono services  
73 provided free of charge by a not-for-profit organization, a court-annexed program,  
74 a bar association, or an accredited law school.

75 The provisions of Rule 4-7.2 shall not apply to law firms or lawyers who  
76 promote, support or publicize through advertising that substantially and  
77 predominantly features any of the following: legal services corporation;  
78 community or other non-profit organization; recognized community events or  
79 celebrations; institutions; entities; or individuals other than themselves.

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