

REGULATIONS FOR LEGAL SERVICES

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to lawyer referral consultants.

Highlighted Provisions:

This bill:

▶ subject to certain exceptions, establishes a time period during which a lawyer referral consultant is prohibited from contacting a potential client.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-68-401 (Effective 05/02/24), as enacted by Laws of Utah 2023, Chapter 536

REPEALS:

13-69-201 (Effective 05/02/24), as enacted by Laws of Utah 2023, Chapter 536

13-69-202 (Effective 05/02/24), as enacted by Laws of Utah 2023, Chapter 536

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **13-68-401 (Effective 05/02/24)** is amended to read:

13-68-401 (Effective 05/02/24). Unlawful acts.



- 28 (1) It is unlawful for a lawyer referral consultant or any other person to:
- 29 (a) make a false or misleading statement to a client while providing services to that
- 30 client;
- 31 (b) make a guarantee or promise to a client, unless the guarantee or promise is in
- 32 writing and [~~the lawyer referral consultant has some~~] there is basis in fact for making the
- 33 guarantee or promise; [~~or~~]
- 34 (c) charge a client a fee for referral of the client to another person for services that the
- 35 lawyer referral consultant cannot or will not provide to the client[-]; or
- 36 (d) communicate with a prospective client for the purpose of obtaining or referring
- 37 business if the communication concerns a disaster, or an action for personal injury or wrongful
- 38 death, unless:
- 39 (i) the disaster, injury, or death occurred more than 30 days before the communication;
- 40 (ii) the prospective client is a person who has a prior familial, prior personal, or prior
- 41 professional relationship with the lawyer to be referred, the lawyer referral consultant, or the
- 42 person communicating with the prospective client;
- 43 (iii) the communication is initiated by the prospective client; or
- 44 (iv) the communication is requested by a third party who has a prior familial or prior
- 45 close personal relationship with the prospective client.
- 46 (2) A sign describing the prohibition described in Subsection (1)(c) shall be
- 47 conspicuously displayed in the office of a lawyer referral consultant.

48 Section 2. **Repealer.**

49 This bill repeals:

50 Section **13-69-201 (Effective 05/02/24), Fiduciary duty.**

51 Section **13-69-202 (Effective 05/02/24), Cause of action.**

52 Section 3. **Effective date.**

53 This bill takes effect on May 2, 2024.