

REGULATIONS FOR LEGAL SERVICES

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Nelson T. Abbott

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, as enacted by Laws of Utah 2023, Chapter 536

REPEALS:

13-69-201, as enacted by Laws of Utah 2023, Chapter 536

13-69-202, 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 is amended to read:

13-68-401 . Unlawful acts.

(1) It is unlawful for a lawyer referral consultant or any other person to:

(a) make a false or misleading statement to a client while providing services to that client;

(b) make a guarantee or promise to a client, unless the guarantee or promise is in writing and [the lawyer referral consultant has some] there is basis in fact for making the

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

45 Section 2. **Repealer.**

46 This bill repeals:

47 Section **13-69-201, Fiduciary duty.**

48 Section **13-69-202, Cause of action.**

49 Section 3. **Effective date.**

50 This bill takes effect on May 2, 2024.