

## HB 2382 -- Regulation of Attorney Advertising

Sponsor: Stevenson

This bill regulates television advertising by attorneys and prohibits television advertisements for legal services from containing a false or misleading communication about an attorney, a law firm, or the legal services. Misleading communications include:

- (1) Omitting a fact which leads the statement, when considered as a whole, to be materially misleading;
- (2) Creating unjustified expectations about the results which the attorney can achieve;
- (3) Stating or implying that the attorney can achieve results by means that violate the Missouri Supreme Court Rules of Professional Conduct or other rules or laws;
- (4) Comparing the quality of an attorney's services with the services of another attorney or law firm, unless the comparison can be factually substantiated;
- (5) Advertising for a specific type of case about which the attorney has neither experience nor competence;
- (6) Providing any simulated portrayal of an attorney, client, or event without conspicuous identification of the fact that it is a simulation;
- (7) Providing any paid testimonial about the attorney without conspicuous disclosure;
- (8) Providing an address for an office staffed only part time or by appointment only; or
- (9) Stating that legal services are available on a contingent or no-recovery-no-fee basis without stating conspicuously that the client may be responsible for costs or expenses if that is the case.

The bill also requires language stating various disclaimers regarding the hiring of attorneys. Any person who views a television advertisement that violates these provisions may bring a civil action against the attorney or law firm sponsoring the advertisement for injunctive relief and damages of \$1,000 for each violation contained in the advertisement and for each time it is played. The person may also recover the expenses and costs of litigation including expert witness fees and attorney fees.