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## LIMIT ATTORNEY SOLICITATION

**House Bill 4079**

**Sponsor: Rep. Penny Crissman**

**Committee: Judiciary**

**Complete to 2-21-97**

### A SUMMARY OF HOUSE BILL 4079 AS INTRODUCED 1-28-97

House Bill 4079 would amend the Revised Judicature Act to prohibit Michigan attorneys from soliciting prospective clients where: a) the communication soliciting the prospective client's business pertained to an action for personal injury or wrongful death, or was otherwise related to an accident or disaster involving the individual being solicited or his or her relative; and b) the accident or disaster occurred less than 30 days prior to the date of the communication. The bill would also prohibit attorneys from accepting client referrals where the attorney knew that the initial client contact had been made in violation of these restrictions.

However, the bill's restrictions would not apply in either of the following circumstances: a) where the prospective client initiated contact with the attorney through an inquiry (whether or not there was a previously existing attorney-client relationship); or b) where the recommendation or referral was made by a friend, current or former client, or relative of the attorney, and that friend, client, or relative had received no payment for having made the recommendation.

The bill would also delete language from the act that bars attorneys from advertising or otherwise soliciting employment from the public. (The language barring attorney advertising is and has been unenforceable as it directly contradicts the U.S. Supreme Court's 1988 decision in Shapero v Kentucky Bar Association.)

House Bill 4079 (2-21-97)

Analyst: W. Flory

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.