
By: Delegate T. Murphy

Introduced and read first time: January 19, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 1996

CHAPTER ____

1 AN ACT concerning

2 **Lawyers - Written Solicitation of Clients - Limited Prohibition**

3 FOR the purpose of prohibiting a lawyer from sending a written communication, directly
4 or through an agent, to a certain prospective client during a certain period of time;
5 providing a certain exception; making provisions of this Act severable; and generally
6 relating to written solicitations by lawyers.

7 BY adding to
8 Article - Business Occupations and Professions
9 Section 10-605.1
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1995 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Business Occupations and Professions**

15 10-605.1.

16 (A) A LAWYER MAY NOT SEND A WRITTEN COMMUNICATION, DIRECTLY OR
17 THROUGH AN AGENT, TO A PROSPECTIVE CLIENT FOR THE PURPOSE OF OBTAINING
18 PROFESSIONAL EMPLOYMENT IF THE COMMUNICATION CONCERNS:

19 (1) AN ACTION FOR PERSONAL INJURY OR WRONGFUL DEATH, OR
20 OTHERWISE RELATES TO AN ACCIDENT OR DISASTER INVOLVING THE PERSON TO
21 WHOM THE COMMUNICATION IS ADDRESSED OR THE PERSON'S RELATIVE, UNLESS
22 THE ACCIDENT OR DISASTER OCCURRED MORE THAN 30 DAYS BEFORE THE DATE
23 THE COMMUNICATION IS MAILED; OR

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1 (2) A CRIMINAL PROSECUTION, OR A PROSECUTION OF A TRAFFIC
2 OFFENSE THAT CARRIES A PERIOD OF INCARCERATION, INVOLVING THE PERSON
3 TO WHOM THE COMMUNICATION IS ADDRESSED OR THE PERSON'S RELATIVE,
4 UNLESS THE CHARGING DOCUMENT WAS FILED MORE THAN 30 DAYS BEFORE THE
5 DATE THE COMMUNICATION IS MAILED.

6 (B) THIS SECTION DOES NOT APPLY TO A WRITTEN COMMUNICATION SENT
7 BY A LAWYER TO A PROSPECTIVE CLIENT AT THE REQUEST OF THE PROSPECTIVE
8 CLIENT.

9 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
10 Act or the application thereof to any person or circumstance is held invalid for any reason
11 in a court of competent jurisdiction, the invalidity does not affect other provisions or any
12 other application of this Act which can be given effect without the invalid provision or
13 application, and for this purpose the provisions of this Act are declared severable.

14 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1996.