

(PRE-FILED)

CF 6lr1542

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**By:** ~~Senator Boozer~~ Senators Boozer and Ferguson

Requested: July 17, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 15, 1996

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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 making provisions of this Act severable; providing a certain exception; 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 RELATES TO AN ACCIDENT OR DISASTER INVOLVING THE PERSON TO WHOM THE  
21 COMMUNICATION IS ADDRESSED OR THE PERSON'S RELATIVE, UNLESS THE  
22 ACCIDENT OR DISASTER OCCURRED MORE THAN 30 DAYS BEFORE THE DATE THE  
23 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.