

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 25 (Senator Boozer)

Judicial Proceedings

Lawyers - Solicitation of Clients - Requirements

This bill requires lawyers and their agents who directly solicit accident victims or criminal defendants or their relatives to meet specified requirements with regard to each communication sent (letter, telephone call, e-mail, etc.) and to file a copy of each communication with Bar Counsel. The bill further provides that the sending of a communication that does not meet the requirements is a misdemeanor, punishable by a fine not exceeding \$1,000, imprisonment not exceeding one year, or both.

The bill does not apply to a direct marketing communication that is not related to a specific accident or criminal prosecution.

Fiscal Summary

State Effect: The criminal penalty provisions of this bill are not expected to significantly affect State finances or operations.

Local Effect: The criminal penalty provisions of this bill are not expected to significantly affect local finances or operations.

Small Business Effect: Potential meaningful.

Fiscal Analysis

Small Business Effect: Small law firms that directly solicit clients (relating to a specific accident or criminal prosecution), and small businesses that directly solicit clients on behalf of law firms, could incur increased administrative expenses in complying with the bill. Small law firms that choose to discontinue directly soliciting clients as a result of the bill could experience a decrease in revenues. The magnitude of the impact on a given law firm or small

business would depend on the extent to which the firm or business relies upon direct solicitation as a source of revenues.

The specific impact of this bill on Bar Counsel and the Attorney Grievance Commission of Maryland (a nonprofit association) would depend upon the number of communications filed, but it is expected that any additional workload could be handled with existing resources.

Information Source(s): Judiciary (District Court of Maryland); Melvin Hirshman, Bar Counsel, Attorney Grievance Commission of Maryland; Department of Legislative Services

Fiscal Note History: First Reader - January 23, 1998
tlw Revised - Enrolled Bill - April 13, 1998

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