

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of this Court, and considering the need to amend the Order of this Court dated June 26, 2008, and considering the recommendations of the Louisiana State Bar Association for amendments to the Rules of Professional Conduct as set forth in its “*Findings and Recommendations of the LSBA Rules of Professional Conduct Committee Regarding New Lawyer Advertising Rules and Constitutional Challenges Raised*,” dated April 15, 2009;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

The Article XVI, Rule 7 series of the Articles of Incorporation of the Louisiana State Bar Association be and are hereby amended to read as follows:

1. Rule 7.2(c)(1)(I) is hereby amended to read as follows:
 - (I) includes a portrayal of a client by a non-client without disclaimer of such, as required by Rule 7.2(c)(10), or the reenactment of any events or scenes or pictures that are not actual or authentic without disclaimer of such, as required by Rule 7.2(c)(10);
2. Rule 7.2(c)(10) is hereby amended to read as follows:
 - (10) Appearance of Required Statements, Disclosures and Disclaimers. Any words or statements required by these Rules to appear in an advertisement or unsolicited written

communication must be clearly legible if written or intelligible if spoken aloud.

All disclosures and disclaimers required by these Rules shall be clear and conspicuous. Written disclosures and disclaimers shall use a print size at least as large as the largest print size used in the advertisement or unsolicited written communication, and, if televised or displayed electronically, shall be displayed for a sufficient time to enable the viewer to easily see and read the disclosure or disclaimer. Spoken disclosures and disclaimers shall be plainly audible and spoken at the same or slower rate of speed as the other spoken content of the advertisement. All disclosures and disclaimers used in advertisements that are televised or displayed electronically shall be both spoken aloud and written legibly.

3. Rule 7.5(b)(1)(A) is hereby amended to read as follows:
 - (A) any feature, including, but not limited to, background sounds, that is false, misleading or deceptive; or
4. Rule 7.5(b)(1)(B) is hereby amended to read as follows:
 - (B) lawyers who are not members of the advertising law firm speaking on behalf of the advertising lawyer or law firm; ~~or,~~
5. Rule 7.5(b)(1)(C) is hereby deleted in its entirety.
6. Rule 7.5(b)(2)(C) is hereby amended to read as follows:
 - (C) a non-lawyer spokesperson speaking on behalf of the lawyer or law firm, as long as ~~the spokesperson is not recognizable to the public in the community where the advertisement appears and~~ that spokesperson shall provide a spoken and written disclosure,

as required by Rule 7.2(c)(10), identifying the spokesperson as a spokesperson, and disclosing that the spokesperson is not a lawyer and disclosing that the spokesperson is being paid to be a spokesperson, if paid.

7. Rule 7.6(d) is hereby amended to read as follows:

(d) Advertisements. All computer-accessed communications concerning a lawyer’s or law firm’s services, other than those subject to subdivisions (b) and (c) of this Rule, are subject to the requirements of Rule 7.2 when a significant motive for the lawyer’s doing so is the lawyer’s pecuniary gain;

These rule changes shall become effective on October 1, 2009, and shall remain in full force and effect thereafter, until amended or changed through future Orders of this Court.

New Orleans, Louisiana, this _____ day of _____, 2009.

FOR THE COURT:

Catherine D. Kimball, Chief Justice