

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the 1974 Louisiana Constitution, and the inherent power of this Court, and considering the need to amend the Article XVI, Rule 7 series of the Articles of Incorporation of the Louisiana State Bar Association,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Rule 7.2(a)(1) is hereby deleted in its entirety and amended to read as follows:

- (1) Name of Lawyer. All advertisements and unsolicited written communications pursuant to these Rules shall include the full name of at least one lawyer responsible for their content. Subject to the exemptions stated in Rule 7.8, the lawyer whose name is included in the advertisement or unsolicited written communication as responsible for its content thereby certifies that the advertisement or unsolicited written communication has been filed and assigned a filing number in accordance with Rule 7.7.

2. Rule 7.2(a)(3) is hereby deleted in its entirety and amended to read as follows:

- (3) Louisiana State Bar Association Lawyer Advertising Filing Number. Additionally, all advertisements and unsolicited written communications pursuant to these Rules, except those subject to the exemptions stated in Rule 7.8, shall include a filing number assigned

and provided by the Louisiana State Bar Association at the time of filing. Those advertisements and unsolicited written communications that are exempt from filing and review requirements of Rule 7.7, as per Rule 7.8, may also be filed with the Louisiana State Bar Association in keeping with Rule 7.7 if the lawyer or law firm desires to obtain and include a filing number within the content of the exempt advertisement or unsolicited written communication.

3. Rule 7.2(a)(4) is hereby enacted to read as follows:

(4) The following items may be used without including the content required by subdivision (a)(1), (a)(2) and (a)(3) of this Rule 7.2:

4. Rule 7.2(c)(1)(D) is hereby deleted in its entirety and amended to read as follows:

(D) contains a reference or testimonial to past successes or results obtained without a disclaimer such as “Results May Vary” or “Past Results are not a Guarantee of Future Success”;

5. Rule 7.2(c)(1)(J) is hereby deleted in its entirety and amended to read as follows:

(J) the portrayal of a lawyer by a non-lawyer, the portrayal of a law firm as a fictionalized entity, the use of a fictitious name to refer to lawyers not associated together in a law firm, or otherwise implies that lawyers are associated in a law firm if that is not the case;

6. Rule 7.2(c)(4) is hereby deleted in its entirety and amended to read as follows:

- (4) Stating or Implying Louisiana State Bar Association Approval. A lawyer or law firm shall not make any statement that directly or impliedly indicates that the communication has received any kind of approval from The Louisiana State Bar Association. The inclusion of a filing number assigned and provided by the Louisiana State Bar Association at the time of filing as “required content” of an advertisement or unsolicited written communication, in keeping with Rule 7.2(a)(3), shall not be considered or treated as any kind of approval from the Louisiana State Bar Association.

7. Rule 7.4(b)(2)(B)(i) is hereby deleted in its entirety and amended to read as follows:

- (i) Such communication shall state clearly the full name of at least one member in good standing of the Association responsible for its content.

8. Rule 7.4(b)(2)(B)(iii) is hereby deleted in its entirety and amended to read as follows:

- (iii) Such communication shall state clearly the Lawyer Advertising Filing Number assigned and provided by the Louisiana Bar Association. Written communications solicited by clients or prospective clients, or written communications sent only to other lawyers need not contain the filing number assigned and provided by the Louisiana State Bar Association as per Rule 7.2(a)(3).

9. Rule 7.5(b)(2)(A) is hereby deleted in its entirety and amended to read as follows:

(A) images that otherwise conform to the requirements of these Rules; or

10. Rule 7.5(b)(2)(C) is hereby deleted in its entirety.

11. Rule 7.6(a) is hereby deleted in its entirety and amended to read as follows:

(a) Definition. For purposes of these Rules, “computer-accessed communications” are defined as information regarding a lawyer’s or law firm’s services that is read, viewed, or heard directly through the use of a computer, namely: Internet presences such as home pages or World Wide Web sites, as detailed below in Rule 7.6(b); and, unsolicited electronic mail communications, as detailed below in Rule 7.6(c).

12. Rule 7.6(c)(1) is hereby deleted in its entirety and amended to read as follows:

(1) the requirements of subdivisions (b)(1), (b)(2)(A), (b)(2)(B)(i), (b)(2)(B)(iii), (b)(2)(C), (b)(2)(D), (b)(2)(E) and (b)(2)(F) of Rule 7.4 are met. Rule 7.4(b)(2)(B)(iii) does not apply to electronic mail communications sent only to other lawyers;

13. Rule 7.6(d) is hereby deleted in its entirety.

14. Rule 7.7(b) is hereby deleted in its entirety and amended to read as follows:

(b) Advance Written Advisory Opinion. Subject to the exemptions stated in Rule 7.8, any lawyer who advertises services through any public media or through unsolicited written communications sent in compliance with Rule 7.4 or 7.6(c) may obtain a written advisory opinion concerning the compliance of a contemplated advertisement or

unsolicited written communication in advance of disseminating the advertisement or communication by submitting to the Committee the material and fee specified in subdivision (d) of this Rule at least thirty days prior to such dissemination. A filing number, as detailed in Rule 7.2(a)(3), shall be assigned and provided to the lawyer by the Louisiana State Bar Association at the time of filing. If the Committee finds that the advertisement or unsolicited written communication complies with these Rules, the lawyer's voluntary submission in compliance with this subdivision shall be deemed to satisfy the regular filing requirement set forth below in subdivision (c) of this Rule.

15. Rule 7.7(c) is hereby deleted in its entirety and amended to read as follows:

- (c) Regular Filing. Subject to the exemptions stated in Rule 7.8, any lawyer who advertises services through any public media or through unsolicited written communications sent in compliance with Rule 7.4 or 7.6(c) shall file a copy of each such advertisement or unsolicited written communication with the Committee for evaluation of compliance with these Rules. The copy shall be filed either prior to or concurrently with the lawyer's first dissemination of the advertisement or unsolicited written communication and shall be accompanied by the information and fee specified in subdivision (d) of this Rule. A filing number, as detailed in Rule 7.2(a)(3), shall be assigned and provided to the lawyer by the Louisiana State Bar Association at the time of filing. If the lawyer has opted to submit an advertisement or unsolicited written communication in advance of dissemination, in compliance with subdivision (b) of this Rule, and the advertisement or unsolicited

written communication is then found to be in compliance with the Rules, that voluntary advance submission shall be deemed to satisfy the regular filing requirement set forth above.

16. Rule 7.7(k) is hereby enacted to read as follows:

(k) Lawyer Advertisement Public Information. The Louisiana State Bar maintains a current database of all advertisements and unsolicited written communications that have been filed with it under Rule 7.7. The name of filing lawyers, Louisiana State Bar Association Lawyer Advertising Filing Numbers and other basic identifying information for each advertisement and unsolicited written communication so filed and contained in the database shall be made readily available to and searchable by the public.

17. Rule 7.8(a) is hereby deleted in its entirety and amended to read as follows:

(a) any advertisement or unsolicited written communication that contains only content that is required by Rule 7.2(a) and content that is permissible under Rule 7.2(b).

These rule changes shall become effective January 1, 2022, and shall remain in full force and effect thereafter, until amended or changed through future Orders of this Court.

New Orleans, Louisiana, this 16TH day of May, 2021

FOR THE COURT:


John L. Weimer, Chief Justice