

CHAPTER 669

(Senate Bill 14)

AN ACT concerning

Lawyers – Written Solicitation of Clients – Limited Prohibition

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

BY adding to

Article – Business Occupations and Professions

Section 10-605.1

Annotated Code of Maryland

(1995 Replacement Volume and 1995 Supplement)

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

Article – Business Occupations and Professions

10-605.1.

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

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

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

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

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