

1991—No. 613

LEGAL PROFESSION ACT 1987—REGULATION

(Relating to advertising by solicitors)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Legal Profession Act 1987, has been pleased to make the Regulation set forth hereunder.

PETER COLLINS
Attorney General.

The Legal Profession Regulation 1987 is amended by omitting clause 20 and by inserting instead the following clause:

Advertising

20. (1) A solicitor may advertise in connection with his or her practice.

(2) In particular, a solicitor may advertise to the effect that the solicitor is a specialist or expert in any field of practice or is an established or experienced solicitor in any field of practice or generally.

(3) An advertisement in connection with costs may state that the solicitor concerned is prepared to undertake any contentious or any non-contentious business at less than the maximum costs or scales of maximum costs prescribed by a determination of the Legal Fees and Costs Board made under Part 11 of the Act.

(4) An advertisement referred to in subclause (3) may specify the cost at which the solicitor is prepared to undertake any business.

(5) Nothing in this clause permits:

- (a) advertisements that might reasonably be regarded as being false, misleading or deceptive; or

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- (b) advertisements that might reasonably be regarded as being offensively vulgar or obscene or sensational; or
- (c) advertisements in which a claim of the kind referred to in subclause (2) is made if that claim cannot be substantiated by the solicitor concerned; or
- (d) advertisements that claim that the solicitor concerned is able to obtain advantages for clients if the only means by which those advantages could be obtained are improper means; or
- (e) advertising for clients among persons who may have suffered some trauma or injury as a result of a particular event or occurrence if, in the particular circumstances, the form or method of the advertisements is likely to offend or distress any such person or other persons who might reasonably be affected; or
- (f) conduct incidental to the advertising of a solicitor's practice if that conduct would be prohibited by clause 22.

EXPLANATORY NOTE

The Legal Profession Regulation 1987 currently prohibits a solicitor from advertising to the effect that he or she is willing to act for a person at a charge that is lower than that prescribed by the Legal Fees and Costs Board.

The object of this Regulation is to remove that prohibition and to impose certain other restrictions on the ways in which solicitors may advertise.
