

Solicitors' Publicity Code 2001

Professional Ethics

Last amended 13 January 2003

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Solicitors' Publicity Code 2001

Last amended 13 January 2003

Code dated 16 November 2001 promulgated by the Council of the Law Society with the concurrence of the Master of the Rolls under rule 2 of the Solicitors' Practice Rules 1990, regulating the publicity of:

- ◆ *solicitors, registered European lawyers and recognised bodies practising in England and Wales; and*
- ◆ *registered foreign lawyers practising in England and Wales in partnership with solicitors or registered European lawyers.*

Section 1 – General principles

(a) Misleading or inaccurate publicity

Publicity must not be misleading or inaccurate.

(b) Clarity as to charges

Any publicity as to charges or a basis of charging must be clearly expressed. It must be clear whether disbursements and VAT are included.

(c) Name of firm

A private practice must not use a name or description which is misleading. It would be misleading for a name or description to include the word "solicitor(s)", if none of the principals or directors (or members in the case of a limited liability partnership) is a solicitor.

(d) Unsolicited visits or telephone calls

- (i) Practitioners must not publicise their practices by making unsolicited visits or telephone calls to a member of the public.
- (ii) "Member of the public" does not include:
 - (A) a current or former client;
 - (B) another lawyer;
 - (C) an existing or potential professional or business connection; or
 - (D) a commercial organisation or public body.

(e) Addresses to the court

It is not proper for practitioners to distribute to the press, radio or television copies of a speech or address to any court, tribunal or inquiry, except at the time and place of the hearing to persons attending the hearing to report the proceedings.

(f) International aspects of publicity

Publicity intended for a jurisdiction outside England and Wales must comply with:

- (i) the provisions of this code; and
- (ii) the rules in force in that jurisdiction concerning lawyers' publicity.

Publicity intended for a jurisdiction where it is permitted will not breach this paragraph through being incidentally received in a jurisdiction where it is not permitted.

(g) Practitioners' responsibility for publicity

A practitioner must not authorise any other person to conduct publicity for the practitioner's practice in a way which would be contrary to this code.

(h) Application

This section of the code applies to all forms of publicity including stationery, advertisements, brochures, directory entries, media appearances, press releases promoting a practice, and direct approaches to potential clients and other persons, and whether conducted in person, in writing, or in electronic form.

Section 2 – Professional stationery

- (a) The letterhead of a private practice must bear the words "regulated by the Law Society".
- (b)
 - (i) The letterhead of:
 - (A) a sole principal must include the name of the sole principal;
 - (B) a partnership of 20 or fewer persons must include a list of the partners;
 - (C) a recognised body which is a company with a sole director must include the name of the director, identified as director.
 - (ii) The letterhead of:
 - (A) a partnership of more than 20 persons must include either a list of the partners,
 - (B) a recognised body which is a limited liability partnership must include either a list of the members, identified as members,
 - (C) a recognised body which is a company with more than one director must include either a list of the directors, identified as directors,or a statement that the list is open to inspection at the office.
 - (iii)
 - (A) On the letterhead of a recognised body which is an unlimited company; or
 - (B) in the list of partners referred to in sub-paragraph (i) or (ii) above, if a partnership has an unlimited company as a member; or
 - (C) in the list of members referred to in sub-paragraph (ii) above, if a limited liability partnership has an unlimited company as a member;it shall be stated, either as part of the unlimited company's name or otherwise, that the unlimited company is a body corporate.

- (c) In a private practice, if the partners (or directors in the case of a company, or members in the case of a limited liability partnership) comprise both solicitors and foreign lawyers, the list referred to in (b)(i) or (ii) above must:
 - (i) in the case of any solicitor, identify him or her as a solicitor;
 - (ii) in the case of any lawyer or notary of a state (other than the UK) covered by the Establishment of Lawyers Directive 98/5/EC:
 - (A) identify the European jurisdiction(s) – local or national as appropriate – under whose professional title he or she is practising;
 - (B) give the professional title, expressed in an official language of the European state(s) concerned; and
 - (C) if the lawyer is a registered European lawyer, refer to his or her registration with the Law Society; and
 - (iii) in the case of any registered foreign lawyer not included in (c)(ii) above, indicate his or her professional qualification(s) as a lawyer and the country or jurisdiction of qualification.
- (d) Whenever a registered European lawyer is named on the letterhead used by any private or in-house practice, there must be compliance with paragraph (c)(ii) above.

Section 3 – Interpretation and repeal

- (a) In this code, words have the meanings assigned to them in rule 18 of the Solicitors' Practice Rules 1990, except that:
 - (i) "letterhead" includes a fax heading; and
 - (ii) "solicitor" means a solicitor of the Supreme Court.
- (b) This code replaces the Solicitors' Publicity Code 1990.