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## DIGEST

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HB 430 Original

2025 Regular Session

Carver

**Abstract:** Establishes the La. Lawyer Advertising and Unfair Trade Practices Act relative to attorney advertising.

Proposed law (R.S. 37:224 and 225) enacts the La. Lawyer Advertising and Unfair Trade Practices Act and provides for legislative purpose.

Proposed law (R.S. 37:226) defines "lawyer advertising", "false, misleading, or deceptive", and "unfair trade practices".

Proposed law (R.S. 37:227) emphasizes that lawyer advertisements shall comply with the Rules of Professional Conduct of the La. State Bar Assoc. and that, if there are any conflicts, those rules shall govern.

Proposed law (R.S. 37:228) reiterates present law stating that lawyer advertisements shall not contain false, misleading, or deceptive statements or implications. The advertisements shall contain the name and office address of at least one attorney or law firm responsible for the content.

Proposed law also requires all of the following for testimonials:

- (1) Include truthful experiences with the lawyer or law firm.
- (2) Include disclaimers where necessary and specify that past outcomes of cases do not guarantee future outcomes.
- (3) Disclose that a person in the testimonial is an actor if it is not being given by actual clients.

Proposed law (R.S. 37:229) requires online advertisements to comply with the Rules of Professional Conduct of the La. State Bar Assoc. and the provisions of proposed law.

Proposed law prohibits a creation of unjustified expectations or contain comparisons unless it can be factually verified as required by present law.

Proposed law requires digital advertising platforms to accurately reflect the lawyer's practice areas, fees, and services offered. It also describes what a digital platform may include.

Proposed law (R.S. 37:230) reiterates the provisions of present law dealing with prohibited

advertising practices such as promising results or suggesting that a lawyer has a relationship with a governmental agency or using misleading terms.

Proposed law (R.S. 37:231) prohibits direct solicitation of potential clients following a personal injury unless explicitly requested by the potential client as provided by present law.

Proposed law requires particular disclosure language in certain instances and prohibits the use of slogans, jingles, or mottos in any media advertisement unless the contents of the advertisement has been factually verified or it is necessary to describe legal services.

Proposed law (R.S. 37:232) provides for violations, enforcement, and penalties. Permits the attorney general and La. State. Bar Assoc. joint enforcement authority for violations of proposed law.

Proposed law provides that noncompliance penalties may include fines, sanctions, suspension, or disbarment under La. Supreme Court rules and procedures.

Proposed law (R.S. 37:233) provides for severability.

Proposed law provides for prospective application only and applies to lawyer advertisements created, aired, or distributed after the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 37:224-233)