

## **Task Force on the Ethics and Regulation of Legal Services Marketing**

### **Background:**

The State Bar of Michigan's 21<sup>st</sup> Century Practice Task Force Report included these visions:

- Modernized, more transparent, adaptable, and accountable regulation of the legal profession that is responsive to both the risks and benefits of the use of existing and emerging technology and new business models for legal service delivery.
- Modernized rules of professional conduct that apply to the use of technology and the evolving marketplace, and are clear, coherent, and consistent.
- A state bar association that members can count on to help them navigate the rapidly-changing legal marketplace and deliver services to their clients most cost-effectively, consistent with long-standing ethical standards that protect the public.

In 2018, the American Bar Association substantially amended its Model Rules of Professional Conduct governing lawyer marketing in ways that focus on the prohibition of false and misleading communications while eliminating rules imposing specific obligations.

### **Jurisdictional Statement:**

1. Make recommendations on revisions to the Michigan Rules of Professional Conduct concerning attorney advertising and online legal services marketing. Although the Task Force is encouraged to explore all innovations that have emerged in the online marketplace, the Task Force at a minimum should address the following:
  - a. Essential consumer information in the advertising of legal services
  - b. Fee sharing
  - c. Lawyer referral services
  - d. Search functions involving special designations and certifications (e.g. limited scope representation)
  - e. Ratings
  - f. Client reviews
2. Make recommendations on the need for and possible efficacy of regulation of:
  - a. Advertising and marketing programs offered for use by lawyers and non-lawyer legal services providers
  - b. Non-lawyer legal services providers
  - c. Expanded access to legal services funding (e.g. nonlawyer ownership) and lending (e.g. third-party litigation funding)

In the development of its recommendations, the Task Force should consider and evaluate the efficacy of the regulatory objectives recommended by the Regulatory Objectives Workgroup.

**Task Force on  
Ethics and Regulation of Legal Services Marketing (170000W1)**

As of July 2, 2019

**Member**

Term Ending: 2019

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