

**Source:** Maryland Code : BUSINESS OCCUPATIONS AND PROFESSIONS : TITLE 10. LAWYERS : SUBTITLE 6. PROHIBITED ACTS; PENALTIES : § 10-605.2.  
Requirements for communications.

### **10-605.2. Requirements for communications.**

(a) Applicable communications.-

(1) This section applies only to a communication:

- (i) in a form described under subsection (c) of this section;
- (ii) sent by a lawyer, directly or through an agent or employee, to a prospective client for the purpose of obtaining professional employment; and
- (iii) 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 sent or the person's relative; or
  - 2. a criminal prosecution, or a prosecution of a traffic offense that is punishable by a period of incarceration, involving the person to whom the communication is sent or the person's relative

(2) This section does not apply to a direct marketing communication that is not related to:

- (i) a specific accident or disaster described under paragraph (1)(iii)1 of this subsection; or
- (ii) a specific criminal prosecution or traffic offense described under paragraph (1)(iii)2 of this subsection.

**(b) Nonapplicability of certain communication.-** This section does not apply to a communication sent to a prospective client at the request of the prospective client.

**(c) Forms of communication.-** This section applies only to the following forms of communication:

- (1) an audio recording;
- (2) a computer on-line transmission;
- (3) a facsimile transmission;

(4) **a letter or other form of written communication;**

(5) a telegraphic transmission;

(6) a telephonic transmission; and

(7) a video recording.

**(d) Required wording. -**

(1) Each communication shall include the words **"this is an advertisement"** in a prominent place at the **beginning and end** of each communication as required in this subsection.

(2) In a communication sent by computer on-line transmission, facsimile, mail, or telegraph, the required wording shall appear in conspicuous print size and in a freestanding form:

(i) **on the outside of the envelope**, if any; and

(ii) **at the beginning and end of the contents of the communication.**

(3) If the form of the communication is a self-mailing brochure or pamphlet, the required wording shall appear on the address panel of the brochure or pamphlet.

(4) In a video recording communication, the required wording:

(i) shall appear conspicuously in the communication for at least five seconds at the beginning and for at least five seconds at the end of the communication; and

(ii) of the audio recording portion, if any, of the communication shall meet the requirements of paragraph (5) of this subsection.

(5) In an audio recording communication, the required wording shall appear, at the beginning and end of the communication, in a tone, volume, clarity, and speed of delivery at least substantially equivalent to the quality of the tone, volume, clarity, and speed of the audio elsewhere in the communication.

(e) Legal pleadings or documents.- A written communication may not be in the form of, or include, legal pleadings or legal documents.

(f) Envelopes.- A communication may not reveal on the envelope, or on the outside of a self-mailing brochure or pamphlet, the nature of the prospective client's legal matter.

(g) **Maryland Rules of Professional Conduct.**- In addition to meeting the requirements of this section, a communication shall comply with Maryland Rules of Professional Conduct 7.1 through 7.4.

**(h) Required filing.-**

- (1) In this subsection, "Bar Counsel" means the principal executive officer of the disciplinary system for lawyers under the Maryland Rules.
- (2) Subject to the provisions of this subsection, **a person who sends a communication shall, within 3 days after the date that the communication is sent, file the following with the Bar Counsel:**
  - (i) **a copy of the communication, together with a sample copy of the envelope, if any, used in conjunction with the communication; and**
  - (ii) **the name of the person to whom the communication was sent and the person's mailing address, telephone number, or telecommunication address to which the communication was sent.**
- (3) If communications identical in content are sent to two or more persons, a person may comply with the provisions of paragraph (2) of this subsection by filing with the Bar Counsel within 3 days after the date that the communication was sent a single copy of the communication together with a list of the names and the applicable mailing addresses, telephone numbers, or telecommunication addresses of the persons to whom the communication was sent.
- (4) If the person periodically sends an identical communication to additional persons, the person may comply with the provisions of paragraph (2) of this subsection by filing with Bar Counsel lists of additional names and the applicable mailing addresses, telephone numbers, or telecommunication addresses not less than monthly.
- (5) A communication may not state or imply that a communication is approved by the Bar Counsel, the State, or any unit of the State.
  - (i) **Prohibited communications.-** A lawyer, or a person acting as an agent or employee of the lawyer, may not send, or knowingly permit to be sent, on a lawyer's behalf, on the behalf of a lawyer's firm, partner, or associate, or on behalf of any other lawyer affiliated with the lawyer, a communication that does not meet the requirements of this section.

[1998, ch. 478; 2000, ch. 61, § 1.]

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