

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99018-SCT

IN RE: RULES OF PROFESSIONAL CONDUCT

ORDER

This matter is before the Court, en banc, on its own motion. The Mississippi Bar has called to the attention of the Court editorial errors which occurred in the adoption of amendments to Mississippi Rules of Professional Conduct, Rule 7.1(b) and to the Comment to Rule 7.2 by the Order entered February 8, 1999. Having considered these matters, the Court finds that the fair and efficient administration of justice will be promoted by the amendment of Rule 7.1(b) and the Comment to Rule 7.2 as set out herein below.

IT IS THEREFORE ORDERED that Rule 7.1 to the Mississippi Rules of Professional Conduct be and the same is hereby amended to read as follows:

**RULE 7.1 COMMUNICATIONS CONCERNING
A LAWYER'S SERVICES**

A lawyer shall not make or permit to be made a false, misleading, deceptive or unfair communication about the lawyer or lawyer's services. A communication violates this rule if it:

- (a) Contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading, or
- (b) Compares the lawyer's services with other lawyers' services unless the comparison can be factually substantiated.

IT IS FURTHER ORDERED that the Comment to Rule 7.2 be and the same is hereby amended by substituting in the place of that portion of the Comment entitled "Paying Others to Recommend a Lawyer" the following language, with the correction shown by delimitation and underscoring:

Paying Others to Recommend a Lawyer

A lawyer is allowed to pay for advertising permitted by this Rule, but otherwise is not permitted to pay or provide other tangible benefits to another person for procuring professional work. However, a legal aid agency or prepaid legal services plan may pay to advertise legal services provided under its

auspices. Likewise, a lawyer may participate in lawyer referral programs and pay the usual fees charged by such programs. Paragraph ~~(h)~~ (g) does not prohibit paying regular compensation to an assistant, such as secretary or advising consultant, to prepare communications permitted by this Rule.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this Order on the minutes of the Court and shall forward a true certified copy hereof to West Publishing Company for publication in the *Southern Reporter (Mississippi Edition)* and *The Mississippi Rules of Court*.

ORDERED, this the _____ of May, 1999.

EDWIN LLOYD PITTMAN, PRESIDING

JUSTICE, FOR THE COURT