

Legal Notice No.

THE ADVOCATES' ACT
(CAP 16)

THE ADVOCATES' (PRACTICE) (MARKETING & ADVERTISING) RULES 2001

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| Citation | 1. These rules may be cited as the Advocates' (Practice) (Marketing & Advertising) Rules 2001. |
| Interpretation | 2. In this rules, unless the context otherwise requires "Associated" means having a formal written agreement setting out the terms of the association in question. |
| General Conduct | 3. No Advocate shall directly or indirectly apply for or seek instructions for professional business, or do or permit in the carrying on of his practice anything which can be reasonably regarded as touting or as calculated to attract business unfairly. |
| Advertising | 4. No Advocate shall advertise himself or his practice nor allow himself or his practice to be advertised other than in accordance with these rules. |
| Manner of Advertising | 5. All advertisements must be objective true and dignified. They shall in all cases be respectful of the ethics of the Profession and shall not attempt to denigrate any other Advocate or professional. |
| Information which may be advertised | 6. The following information may be advertised- <ul style="list-style-type: none">a) the identity of the advocate or his firm;b) the year of his admission as an advocate;c) the location of his office, his telephone, fax and address;d) the hours his office is open and the language in which he is prepared to conduct business;e) his legal qualifications and legal degrees;f) the law firms to which the firm is associated;g) any publications in which the advocate or other professional members of his firm may have made contributions to. |

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Matters which may
not be included in
Advertisements:

7. The following matters shall, on no account, be included in any advertisement:

- a) names or identities of clients of the advocate or the firm;
- b) pictures, icons or illustrations;
- c) non-legal positions distinctions or occupations held or formerly held by the advocate;
- d) reference to fees to be charged or reductions thereof;
- e) promises to achieve results or to complete business in any particular time or quicker than other advocates, and in the event of failure to achieve such results, that no fee will be charged;
- f) deceitful or erroneous information or persuasive, ideological, comparative advertising or phrases of self aggrandizement.

Panels of Specialties 8.

- (1) The Council of the Society may keep a record of panels of advocates, who are to its knowledge specialized in various branches of the law.
- (2) When an advocate is included in any such panel he may include this fact in the information which he may advertise under Rule 6 but only for so long as he remains on the panel concerned.

Manner of
Advertising

9.

- (1) In telephone, fax telex and similar non-legal directories, an advocate shall only advertise the information specified in Rule 6 (a) & (c) without any added emphasis and in the normal type of the directory.
- (2) In legal and/or professional directories (including national and international) an advocate may advertise all the information set out in Rules 6 and 7.
- (3) On the Internet an advocate may advertise all the information set out in Rules 6 and 7.
- (4) In magazines newspapers booklets publications periodicals or any graphic media an advocate may advertise all of the information set out in Rules 6 and 7 in a type size and face and manner normally

used in the advertising pages of the graphic media set out above and so that the area used for the advertisement is no longer than is required for the inclusion of the information and is no event shall it be large than 5 X 5 inches.

- (5) No advocate or firm may advertise in any of the print media noted in Clause 9(4) more than once monthly;
- (6) No advocate shall advertise on television other than to appear in order to give personal opinions on issues of general interest or in connection with professional matters in which he is involved provided that in all such circumstances the Advocate must respect professional decorum;
- (7) On Radio an Advocate shall only advertise the information specified in Rule 6(a), (c) and (d)
- (8) No advocate shall place illuminated signs or placards in any place whatsoever in an attempt to advertise his location and type of business but plates or plaques advertising an advocate's professional activity to be affixed to the walls or access doors to buildings in which the advocate's firm is located are permitted. The maximum size of such plates shall be 0.5 x 0.35m.
- (9) No advocate shall seek to solicit or to attract business through any of the following means:
 - a. through an "intermediary" that would amount to professional touting.
 - b. through unsolicited "in person" contact
 - c. through a retainer by a non-lawyer who has not sought the advocate's advice,
 - d. through false & misleading statements, or where undue influence is used, or where the potential client is in a physical or mental condition that would make it unlikely that such client could have exercised considered judgement in the selection of an advocate;
- (10) An advocate shall at all times be permitted to seek

further or additional business from his existing or former clients.

- Seminars and Media 10. (1) An advocate may take part in conferences and seminars including those not involving legal issues and may publish papers circulars and periodical articles on issues of law, even in media that do not specialize on such issues whereby the Advocate concerned may only append his name and designation as a lawyer.
- (2) Save as herein above provided an Advocate shall not attempt to use any appearance in the electronic media or other public forum as a means of professional advertisement nor should an advocate engage in his capacity as a lawyer in any public appearance that might discredit the legal profession.

- Savings 11. Nothing in these rules derogates from the power of the Council of the Society to rule on the desirability or otherwise of any particular conduct of an advocate or of proposed or actual advertisements.

- Effect of Non-compliance 12. Any advocate failing to comply with these rules is guilty of professional misconduct.

- Repeal 13. Rule 2 of the Advocates' (Practice) Rules is repealed.

MADE ON THE DAY OF 2001.

Chairman
For Council of the Law Society of Kenya

Approved on

2001.

Chief Justice