



LEGAL PROFESSION ACT 1976 [ACT 166]

P.U.(A) 345/2001

LEGAL PROFESSION (PUBLICITY) RULES 2001

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Preamble

In exercise of the powers conferred by subsection 77(1) of the Legal Profession Act 1976 [Act 166], the Bar Council, with the approval of the Attorney General, makes the following rules:

Rule 1. Citation.

These rules may be cited as the Legal Profession (Publicity) Rules 2001.

Rule 2. Interpretation.

In these Rules, unless the context otherwise requires-

"firm" means a sole proprietorship or a partnership of Advocates and Solicitors;

"approved information" means any one or more of the following:

- (a) the name of the firm;
- (b) the address of the firm;
- (c) the telecommunication numbers of the firm;
- (d) the business hours of the firm;
- (e) the year in which the firm or its predecessor in title was established;
- (f) the merger or association of that firm with any other firm or law organization, whether in Malaysia or elsewhere;
- (g) historical data of the firm or its predecessor in title;
- (h) the designation "Advocate and Solicitor" or "Advocates and Solicitors";
- (i) the designation "Commissioner for Oaths" or "Commissioners for Oaths";
- (j) the designation "Notary Public" or "Notaries Public";
- (k) the designation "Agent for Trademarks and Patents" or "Agents for Trademarks and Patents";
- (l) the designation "consultant" or "consultants";
- (m) the area of practice engaged in by the firm or by the Advocate and Solicitor or Advocates and Solicitors practising in the firm;
- (n) the language proficiency of the Advocate and Solicitor or Advocates and Solicitors practising in the firm;
- (o) the name of the Advocate and Solicitor or Advocates and Solicitors practising in the firm and whether he is a sole proprietor, partner, legal assistant or consultant of that firm;
- (p) the year of admission as an advocate and solicitor of the Advocate and Solicitor or Advocates and Solicitors practising in the firm and whether he has been admitted as a practitioner in another jurisdiction;

- (q) the academic and professional qualifications of the Advocate and Solicitor or Advocates and Solicitors practising in the firm, and any award, decoration, merit or title conferred upon him or them; and
- (r) such other information which has had the prior written approval of the Bar Council;

"publicize" means to make known to the public through any form of advertisement, including an advertisement-

- (a) published in any newspaper, journal, magazine, book, booklet, directory or other publication;
- (b) contained in any letter, brochure, bulletin, business card, leaflet, nameplate, newsletter, notice, pamphlet or letterhead or stationery used for professional purposes; or
- (c) placed in, stored in or transmitted through any electronic media accessible to the public or to any section of the public.

Rule 3. Application.

These Rules apply to every Advocate and Solicitor, whether he is practising as a sole proprietor or as a partner, an employee or a consultant of a firm.

Rule 4. Advocate and Solicitor not to publicize except in accordance with these Rules.

(1) No Advocate and Solicitor shall publicize his practice or the practice of his firm, or permit or allow any of his employees or any other person to publicize that practice, in any manner except in accordance with these Rules.

(2) No Advocate and Solicitor shall solicit or attempt to solicit professional business by doing or permitting to be done anything which, by its manner, frequency or otherwise, will have, in the opinion of the Bar Council, the effect of publicizing his practice or the practice of his firm in a manner which is inconsistent with or not permitted by these Rules.

Rule 5. Publicity within Malaysia.

(1) An Advocate and Solicitor who publicizes his practice or the practice of his firm within Malaysia-

- (a) shall not do so-
 - (i) in a manner as will be likely to diminish public confidence in the legal profession or to otherwise bring the legal profession into disrepute; or
 - (ii) in a manner as may reasonably be regarded as being ostentatious, in bad taste, misleading, deceptive, inaccurate, false, sensational, intrusive, offensive or in any other way unbefitting the dignity of the legal profession;
- (b) shall not in the publicity-
 - (i) make any claim that he or any other Advocate and Solicitor practising in his firm is a specialist or expert in any area of practice;
 - (ii) make any direct or indirect reference to any case in which he or any other Advocate and Solicitor practising in his firm had acted for any party to the case, including the number or proportion of cases that have been successfully undertaken by him or them, or to his earnings or the earnings of any other Advocate and Solicitor practising in his firm;
 - (iii) state that any particular person is or has been his or his firm's client;

- (iv) state anything that would be construed as offering any inducement to, or imposing any duress, upon any person as a means of obtaining professional business for himself or his firm;
- (v) make any statement relating to the rates charged by him or his firm, or to his or his firm's methods of charging;
- (vi) make any laudatory references to himself or his firm, or directly or indirectly extol the quality of the professional services provided by him or his firm;
- (vii) make any comparison with, or criticism in relation to, the charges for, or the quality of, services provided by any other Advocate and Solicitor or firm;
- (viii) incorporate the armorial bearings of the Malaysian Bar and Bar Council; or
- (ix) refer to the appointment of an Advocate and Solicitor currently or previously practising in his firm to a judicial office.

(2) Without prejudice to subparagraph 5(1)(b)(ix), an Advocate and Solicitor who publicizes the practice of his firm may, in the publicity, include in the name of his firm the name of an Advocate and Solicitor who had been previously practising in his firm and who has been appointed to a judicial office, where prior to that appointment such name was part of the name of the firm.

(3) For the purposes of subparagraph (1)(a)(ii), a publicity is misleading, deceptive, inaccurate or false if—

- (a) it contains a material misrepresentation of fact;
- (b) it omits to state a material fact;
- (c) it contains any information which cannot be reasonably verified; or
- (d) it is likely to create an unjustified expectation about the results that can be achieved by the Advocate and Solicitor or his firm.

Rule 6. Area of practice.

Any publicity relating to the practice of an Advocate and Solicitor or his firm may state the area of practice engaged in by the Advocate and Solicitor or his firm.

Rule 7. Letterhead and stationery.

No letterhead or stationery used by an Advocate and Solicitor or his firm for professional purposes shall contain any information pertaining to the Advocate and Solicitor or his firm, except approved information.

Rule 8. Advertisements in legal and non-legal directory.

(1) An Advocate and Solicitor may publicize his practice or the practice of his firm by inserting an advertisement in any one or more of the legal or non-legal directories approved in writing by the Bar Council.

(2) The advertisement referred to in subrule (1) shall contain only approved information.

(3) An Advocate and Solicitor who has inserted an advertisement in a legal or non-legal directory under subrule (1) shall cause a record of the advertisement to be kept at his principal place of business for a period of at least 12 months from the date of its publication, and shall, upon being requested to do so by the Bar Council, produce the record of the advertisement to the Bar Council for inspection within the time as specified by the Bar Council.



Rule 9. Nameplate.

(1) An Advocate and Solicitor shall display a nameplate on the outside of the premises at which his firm is located.

(2) The nameplate referred to in subrule (1) shall contain only approved information and shall not be larger than 92 centimetres by 61 centimetres.

Rule 10. Building directory.

An Advocate and Solicitor may cause the name and address of his firm to be listed in the directory of the building at which that firm is located.

Rule 11. Business card.

(1) An Advocate and Solicitor may distribute his business cards, or permit or allow any of his employees to distribute the business cards, but such distribution must be done-

- (a) discreetly; and
- (b) only on occasions at which it is proper for the Advocate and Solicitor to establish his professional identity.

(2) An Advocate and Solicitor shall not permit any other person, not being his employee, to distribute any of his business cards on his behalf.

(3) The business cards referred to in subrule (1) shall contain only approved information.

Rule 12. Brochure, leaflet and pamphlet.

(1) An Advocate and Solicitor may produce for distribution brochures, leaflets or pamphlets that contain approved information and which may be distributed only to-

- (a) his employees or any other Advocate and Solicitor practising in his firm;
- (b) any person who is his or his firm's client;
- (c) any person making unsolicited and bona fide enquiries in relation to the professional services provided by him or his firm; or
- (d) any person with whom he has professional dealings.

(2) No brochure, leaflet or pamphlet relating to the practice of an Advocate and Solicitor or his firm shall be put on display except within the premises of that firm.

(3) An Advocate and Solicitor who has produced and distributed a brochure, leaflet or pamphlet under subrule (1) shall cause a copy of the brochure, leaflet or pamphlet to be kept at his principal place of business for a period of at least 12 months from the date of its publication, and shall, upon being requested to do so by the Bar Council, produce a copy of the brochure, leaflet or pamphlet to the Bar Council for inspection within the time as specified by the Bar Council.

Rule 13. Journal, magazine and newsletter.

(1) An Advocate and Solicitor may produce for distribution a journal, magazine or newsletter relating to the practice of his firm, but such publication must contain only-



- (a) approved information;
 - (b) law notes; or
 - (c) legal articles.
- (2) The Advocate and Solicitor may distribute the journal, magazine or newsletter referred to in subrule (1) only to-
- (a) his employees or any other Advocate and Solicitor practising in his firm;
 - (b) any person who is his or his firm's client;
 - (c) any person making unsolicited and bona fide enquiries in relation to the professional services provided by him or his firm; or
 - (d) any person with whom he has professional dealings.
- (3) No journal, magazine or newsletter relating to the practice of an Advocate and Solicitor or his firm shall be put on display except within the premises of that firm.
- (4) An Advocate and Solicitor who has produced and distributed a journal, magazine or newsletter under subrule (1) shall cause a copy of the journal, magazine or newsletter to be kept at his principal place of business for a period of a least 12 months from the date of its publication, and shall, upon being requested to do so by the Bar Council, produce a copy of the journal, magazine or newsletter to the Bar Council for inspection within the time as specified by the Bar Council.

Rule 14. Notice.

- (1) An Advocate and Solicitor may insert in any newspaper, newsletter or law journal, or send to any person who is his or his firm's client, or with whom he has professional dealings, a notice for the purpose of conveying information regarding-
- (a) the commencement or dissolution of his practice;
 - (b) the merger or association of his practice with the practice of any other Advocate and Solicitor or firm;
 - (c) the opening of any new branch of his firm;
 - (d) the admission, withdrawal, retirement, termination or resignation of any Advocate and Solicitor to or from his firm, or the death of any Advocate and Solicitor practising in his firm;
 - (e) any change in the name, address or telecommunication numbers of his firm; or
 - (f) such other matters as may be approved in writing by the Bar Council.
- (2) An Advocate and Solicitor may insert in any newspaper, newsletter or law journal a notice regarding a vacant position in his firm and may in that notice state approved information, but the statement must not be of such a nature as to reasonably give rise, in the opinion of the Bar Council, to an inference that he is attempting, through the notice, to publicize his practice or the practice of his firm in a manner inconsistent with these Rules.
- (3) An Advocate and Solicitor who has publicized through a notice under subrule (1) or (2) shall cause a copy of the notice to be kept at his principal place of business for a period of at least 12 months from the date of its publication, and shall, upon being requested to do so by the Bar Council, produce a copy of the notice to the Bar Council for inspection within the time as specified by the Bar Council.

Rule 15. Interviews with press, radio and television.

(1) An Advocate and Solicitor may, at the request of the press, radio, television or other media, consent to be interviewed, whether in his professional or private capacity, but-

- (a) the interview shall not be in relation to any matter or be given with such frequency; or
- (b) at the interview nothing must be said or done by him,

as will reasonably give rise, in the opinion of the Bar Council, to an inference that he is attempting, through the interview, to publicize his practice or the practice of his firm in a manner inconsistent with these Rules.

(2) Where an Advocate and Solicitor is interviewed by the press, radio, television or other media, he shall not allow any information pertaining to himself or his firm, except approved information, to be publicized.

Rule 16. Participation in seminars, conferences, forums, etc.

(1) An Advocate and Solicitor may give public lectures or participate in seminars, conferences or forums and on such occasions he shall not say or do anything or cause anything to be done which will reasonably give rise, in the opinion of the Bar Council, to an inference that he is attempting, through the public lecture, seminar, conference or forum to publicize his practice or the practice of his firm in a manner inconsistent with these Rules.

(2) Any paper presented by an Advocate and Solicitor at any public lecture, seminar, conference or forum under subrule (1) may-

- (a) be reproduced and distributed to the participants at the public lecture, seminar, conference or forum; or
- (b) be distributed in accordance with rule 12 or 13,

but the paper shall not contain any information pertaining to the Advocate and Solicitor or his firm, except approved information.

Rule 17. Greeting card.

(1) An Advocate and Solicitor may on any special occasion send greeting cards to-

- (a) any person who is his or his firm's client; or
- (b) any person with whom he has professional dealings.

(2) The greeting card referred to in subrule (1) may, apart from the message of the greeting, contain approved information.

(3) No Advocate and Solicitor shall send greetings to anyone for any occasion by publishing the greetings in any form in any newspaper, journal or other publication.

Rule 18. Client's publicity.

(1) Subject to subrule (2), no Advocate and Solicitor shall permit or allow his practice or the practice of his firm to be publicized through the publicity of any person who is his or his firm's client.

(2) An Advocate and Solicitor or his firm may be named in-

- (a) the prospectus or annual report of a company who is a client of the Advocate and Solicitor or his firm; or



(b) such other documents prepared by the client of the Advocate and Solicitor or his firm that have been approved in writing by the Bar Council.

(3) Where an Advocate and Solicitor places an advertisement in any newspaper, journal or other publication on behalf of a person who is his or his firm's client, that advertisement shall not contain any information pertaining to the Advocate and Solicitor or his firm, except-

- (a) the name of the Advocate and Solicitor; and
- (b) the name, address and telecommunication numbers of his firm.

Rule 19. Documents relating to property transaction.

(1) Where an Advocate and Solicitor, who is acting for any person who is a party to a transaction for the sale and purchase or transfer of property, prepares for the use of that person any document in relation to the transaction which will be available for inspection by the public, that document shall not contain any information pertaining to the Advocate and Solicitor or his firm, except-

- (a) the name of the Advocate and Solicitor; and
- (b) the name, address and telecommunication numbers of his firm.

(2) No Advocate and Solicitor or his firm shall permit or allow his name or the name of his firm to appear in any brochure, leaflet, pamphlet or any other document prepared by a property developer for the purpose of advertising projects developed by it.

Rule 20. Books, etc., written by Advocate and Solicitor.

Where an Advocate and Solicitor has written or contributed to the writing-

- (a) of a book which is intended to be published; or
- (b) of a letter or an article which is intended to be published in any newspaper, journal or other publication,

no information pertaining to the Advocate and Solicitor or his firm may be stated in the book, newspaper, journal or other publication, except approved information.

Rule 21. Publicity through the electronic media.

(1) Any publicity placed in, stored in or transmitted through the electronic media must be done in such manner as determined by the Bar Council.

(2) The publicity shall not contain any information pertaining to the Advocate and Solicitor or his firm, except approved information.

Rule 22. Free legal advice.

(1) An Advocate and Solicitor may give free legal advice to a person at a legal aid clinic, whether set up by the Bar Council or otherwise, with a view to providing legal assistance to members of the public, but the Advocate and Solicitor shall not-

- (a) disclose the name of his firm;
- (b) distribute any of his business cards or any brochure, leaflet, pamphlet, journal, magazine or newsletter relating to his practice or the practice of his firm; or



(c) act for a person to whom he has given such free legal advice.

(2) An Advocate and Solicitor may give free legal advice to the public or any section of the public by contributing an article or letter for publication in any newspaper, journal or other publication, but he shall not permit any information pertaining to himself or his firm, except that of his name and the fact that he is an Advocate and Solicitor, to be stated in the article or letter, or to be published in the newspaper, journal or other publication in which the article or letter is published.

Rule 23. Publicity outside Malaysia.

(1) An Advocate and Solicitor may publicize his practice or the practice of his firm in any country outside Malaysia but the publicity shall not-

- (a) be conducted in a manner that is contrary to the laws of that country;
- (b) be conducted in a manner that will be likely to diminish the confidence of the public in that country as regards the legal profession of Malaysia, or to otherwise bring the legal profession of Malaysia into disrepute;
- (c) be published in any newspaper, journal or other publication in circulation in that country, where such newspaper, journal or other publication is also widely circulated in Malaysia; or
- (d) be published in any edition of any newspaper, journal or other publication originating from that country, where such edition is published specifically for circulation to the public in Malaysia.

(2) For the purposes of paragraph (1)(c), in determining whether any newspaper, journal or other publication in circulation in a country outside Malaysia is also widely circulated in Malaysia, the factors to be considered by the Bar Council may include-

- (a) the availability of the newspaper, journal or other publication in bookshops and newspaper stands in Malaysia;
- (b) the method by which the newspaper, journal or other publication is circulated in Malaysia;
- (c) the number of copies of the newspaper, journal or other publication circulated in Malaysia; and
- (d) the level of marketing involved in the circulation of the newspaper, journal or other publication in Malaysia.

(3) An Advocate and Solicitor who has publicized his practice or the practice of his firm in a country outside Malaysia shall cause a copy of the publicity to be kept at his principal place of business for a period of at least 12 months from the date of its publication, and shall, upon being requested to do so by the Bar Council, produce a copy of the publicity to the Bar Council for inspection within the time as specified by the Bar Council.

Rule 24. Responsibility of Advocate and Solicitor in relation to publicity concerning him.

(1) An Advocate and Solicitor shall be responsible, in so far as it is or should be within his control, to ensure that any publicity relating to his practice or the practice of his firm is done in accordance with these Rules, whether such publicity is done by him, his employee or any other person on his behalf.

(2) Where an Advocate and Solicitor becomes aware of any impropriety in any publicity relating to his practice or the practice of his firm, he shall be responsible, in so far as it is or should be within his control, to use his best endeavours to rectify or withdraw the publicity, and he shall at all times ensure that the Bar Council is informed in writing as regards such matter.



(3) Where it appears to the Bar Council that any publicity relating to the practise of an Advocate and Solicitor or his firm is contrary to these Rules, it may, without prejudice to its powers under the Act, after making due inquiry regarding the publicity, order the Advocate and Solicitor or his firm, or both to alter, modify, withdraw, remove or discontinue the publicity.

The responsibility of an Advocate and Solicitor under this rule shall not be delegable.

Rule 25. Revocation.

Rules 37, 38, 39, 45, 46, 47 and 50 and subrule 60(2) of the Legal Profession (Practice and Etiquette) Rules 1978 [P.U. (A) 369/78] are revoked.

Made 24 October 2001.

[BC-L3-2001; PN(PU2) 314/VIII]

MAH WENG KWAI
Chairman of the Bar Council

Approved.

Dated 2 November 2001.

DATO' SERI AINUM MOHD. SAAID
Attorney General

