

AMENDED IN ASSEMBLY MARCH 23, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1858

Introduced by Assembly Member Romero

February 7, 2000

An act to amend Section 22445 of, and to add Section 6157.5 to, the Business and Professions Code, relating to consumer protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1858, as amended, Romero. Consumer protection.

(1) ~~Under existing law,~~ the State Bar Act, all persons admitted and licensed to practice law in this state, other than justices and judges of courts of record during their term of office, are members of the State Bar. Existing law provides for the regulation of those engaged in the practice of law, including the means by which they solicit employment of their legal services, and authorizes the State Bar to bring a disciplinary action for a violation of these provisions.

This bill would require ~~that the~~ *each member of the State Bar to include his or her membership number* ~~appear~~ on all ~~printed~~ advertisements ~~by an attorney soliciting the employment of his or her legal services~~ and on all business cards ~~used by an attorney in his or her practice of law and letterhead printed after January 1, 2001,~~ and would specify *with respect to a law firm or corporation employing more than 4 attorneys, that a minimum of 2 of its attorneys' State Bar membership numbers shall be included on these items and in*

advertisements. This bill would exempt from these requirements those members employed by public agencies or by nonprofit entities registered with the Secretary of State. This bill would make a violation of these ~~provisions~~ requirements cause for discipline by the State Bar.

(2) Existing law regulates the practice of immigration consultants, defined as persons who provide nonlegal assistance or advice in an immigration matter, and provides for a civil penalty not to exceed \$10,000 to be assessed and collected in a civil action by any person injured by a violation of the provisions governing the practice of immigration consultants.

This bill would increase the amount of the civil penalty to \$100,000 for each violation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6157.5 is added to the Business
2 and Professions Code, to read:

3 6157.5. (a) All ~~advertising~~ advertisements by a
4 member ~~who is soliciting employment of his or her legal~~
5 ~~services by means of any print medium or by means of a~~
6 ~~mailing directed generally to members of the public, shall~~
7 ~~include~~ shall include the member's State Bar
8 membership number. All advertisements of a law firm or
9 corporation employing more than four attorneys shall
10 contain a minimum of two of its attorneys' State Bar
11 membership numbers.

12 ~~(b) The State Bar membership number shall appear~~
13 ~~on all business cards used by a member in his or her~~
14 ~~practice of law.~~

15 (b) Each member shall place his or her State Bar
16 membership number on business cards and letterhead
17 printed after January 1, 2001. Any letterhead that is
18 printed after January 1, 2001, and is used by a law firm or
19 corporation employing more than four attorneys shall
20 contain a minimum of two of its attorneys' State Bar
21 membership numbers.



1 (c) *This section shall not apply to members employed*
2 *by public agencies or by nonprofit entities registered with*
3 *the Secretary of State.*

4 ~~(e)~~

5 (d) A violation of this section by a member shall be
6 cause for discipline by the State Bar.

7 SEC. 2. Section 22445 of the Business and Professions
8 Code is amended to read:

9 22445. (a) A person who violates this chapter shall be
10 subject to a civil penalty not to exceed one hundred
11 thousand dollars (\$100,000) for each violation, to be
12 assessed and collected in a civil action brought by any
13 person injured by the violation.

14 (b) In addition to the provisions of subdivision (a), a
15 violation of this chapter is a misdemeanor punishable by
16 a fine of not less than two thousand dollars (\$2,000) or
17 more than ten thousand dollars (\$10,000), as to each client
18 with respect to whom a violation occurs, or imprisonment
19 in the county jail for not more than one year, or by both
20 fine and imprisonment. However, payment of restitution
21 to a client shall take precedence over payment of a fine.

22 (c) A second or subsequent violation of Sections
23 22442.2, 22442.3, and 22442.4 is a misdemeanor subject to
24 the penalties specified in subdivisions (a) and (b). A
25 second or subsequent violation of any other provision of
26 this chapter is a felony punishable by imprisonment in
27 state prison.

