

AMENDED IN SENATE JUNE 26, 2000
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 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 each member of the State Bar to include ~~his or her membership number on~~ *in* all advertisements ~~and on all business cards 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~~ soliciting employment in a published telephone directory to include a statement that he or she is a member of the State Bar, licensed to practice law in this state. This bill would require a law firm or corporation to include in these advertisements a statement that all of its legal services are provided solely by active members of the State Bar, licensed to practice law in this state. This bill would specify that those required statements be in the same language as the advertisement. 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 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 advertisements by a member shall~~
4 ~~include the member's State Bar membership number. All~~
5 ~~advertisements of a law firm or corporation employing~~
6 ~~more than four attorneys shall contain a minimum of two~~
7 ~~of its attorneys' State Bar membership numbers.~~

8 (b) Each member shall place his or her State Bar
9 membership number on business cards and letterhead
10 printed after January 1, 2001. Any letterhead that is
11 printed after January 1, 2001, and is used by a law firm or
12 corporation employing more than four attorneys shall



1 ~~contain a minimum of two of its attorneys' State Bar~~
2 ~~membership numbers.~~

3 6157.5. (a) All advertisements soliciting
4 employment in a published telephone directory by a
5 member of the State Bar, shall include a statement that
6 he or she is an active member of the State Bar, licensed
7 to practice law in this state. If the advertisement solicits
8 the employment of a law firm or law corporation
9 employing more than one attorney, it shall include a
10 statement that all legal services provided by the firm or
11 corporation shall be provided solely by an active member
12 of the State Bar, licensed to practice law in this state.

13 (b) If the advertisement in a published telephone
14 directory is in a language other than English, the
15 statement required by subdivision (a) shall be in the same
16 language as the advertisement.

17 (c) This section shall not apply to members employed
18 by public agencies or by nonprofit entities registered with
19 the Secretary of State.

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

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

24 22445. (a) A person who violates this chapter shall be
25 subject to a civil penalty not to exceed one hundred
26 thousand dollars (\$100,000) for each violation, to be
27 assessed and collected in a civil action brought by any
28 person injured by the violation.

29 (b) In addition to the provisions of subdivision (a), a
30 violation of this chapter is a misdemeanor punishable by
31 a fine of not less than two thousand dollars (\$2,000) or
32 more than ten thousand dollars (\$10,000), as to each client
33 with respect to whom a violation occurs, or imprisonment
34 in the county jail for not more than one year, or by both
35 fine and imprisonment. However, payment of restitution
36 to a client shall take precedence over payment of a fine.

37 (c) A second or subsequent violation of Sections
38 22442.2, 22442.3, and 22442.4 is a misdemeanor subject to
39 the penalties specified in subdivisions (a) and (b). A
40 second or subsequent violation of any other provision of



1 this chapter is a felony punishable by imprisonment in
2 state prison.

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