

Legal Profession (Publicity) Rules 1998

Table of Contents

Enacting Formula

1 Citation and commencement

Part I PRELIMINARY

2 Definitions

3 Application

Part II GENERAL PRINCIPLES

4 Publicity to be in accordance with Rules

5 General responsibilities

Part III PUBLICITY WITHIN SINGAPORE

6 Responsibilities for publicity within Singapore

7 Misleading, deceptive, inaccurate or false, etc., publicity

8 Contributions to good causes

9 Third party publicity

10 Giving of free legal advice

Part IV PUBLICITY OUTSIDE SINGAPORE

11 Publicity outside Singapore

Part V MISCELLANEOUS

12 Jurisdiction where publicity is conducted

13 Revocation

No. S 533

LEGAL PROFESSION ACT (CHAPTER 161)

LEGAL PROFESSION (PUBLICITY) RULES 1998

In exercise of the powers conferred by section 71(1) of the Legal Profession Act, the Council of the Law Society of Singapore, with the approval of the Chief Justice, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Profession (Publicity) Rules 1998 and shall come into operation on 1st December 1998.

PART I

PRELIMINARY

Definitions

2. In these Rules, unless the context otherwise requires —

“firm” means a firm of advocates and solicitors and includes a sole proprietorship, a partnership of 2 or more advocates and solicitors, and any other form of legal entity by which advocates and solicitors are permitted by law to practise;

“publicity” means any form of advertisement and includes any advertisement —

- (a) printed in any medium for the communication of information;
- (b) appearing in, communicated through or retrievable from, any mass medium, electronic or otherwise; or
- (c) contained in any medium for communication produced or for use by

a firm,
and its derivatives, and "publicise", "publicised" and "publicising" shall be construed accordingly.

Application

3. These Rules shall apply to every advocate and solicitor, whether he is practising as a principal in private practice or in partnership or association with, or in the employment of, another advocate and solicitor.

PART II

GENERAL PRINCIPLES

Publicity to be in accordance with Rules

4. An advocate and solicitor may, subject to these Rules, publicise his practice or the practice of his firm, or allow his employees or agents to do so.

General responsibilities

5.—(1) It shall be the responsibility of every advocate and solicitor to ensure that any publicity relating to his practice or the practice of his firm complies with these Rules, whether such publicity is conducted by him or by any other person on his behalf or on behalf of his firm.

(2) Where an advocate and solicitor becomes aware of any impropriety in any publicity relating to his practice or the practice of his firm, it shall be his responsibility to use his best endeavour to procure the rectification or withdrawal of the publicity, and to prevent its recurrence.

(3) Where it appears to the Council that the publicity relating to the practice of any advocate and solicitor or firm is contrary to any of the provisions of these Rules, the Council may, after making due inquiry into the matter, order the advocate and solicitor or firm to alter, withdraw, remove or discontinue the publicity or cause the same to be altered, withdrawn, removed or discontinued.

(4) The responsibility of an advocate and solicitor under this rule shall not be capable of being delegated to any other person, whether or not that other person is also an advocate and solicitor.

(5) No publicity relating to the practice of any advocate and solicitor or his firm shall

make use of the armorial bearings of the Law Society.

PART III

PUBLICITY WITHIN SINGAPORE

Responsibilities for publicity within Singapore

6.—(1) In publicising his practice or the practice of his firm within Singapore, an advocate and solicitor shall ensure that —

- (a) any claim to expertise or specialisation can be justified;
- (b) the publicity does not make any direct or indirect mention —
 - (i) of past cases in which or clients for whom the advocate and solicitor, his firm or any member thereof had acted where the provision of such information will involve a breach of confidentiality owed to any client or former client; or
 - (ii) of the success rate of the advocate and solicitor, his firm or any member thereof;
- (c) the publicity does not make any comparison or criticism in relation to the fees charged, or the quality of the services provided, by any other advocate and solicitor or firm; and
- (d) where an advocate and solicitor who was practising in the firm has been appointed to the judiciary, the publicity shall not make any reference to his appointment during the tenure of his office, except that nothing in this subparagraph shall be construed as prohibiting the inclusion of his name in the publicity where his name appears as the name of the firm or forms part thereof.

(2) For the purposes of paragraph (1) (a), the following factors will be taken into account in justifying any claim to expertise or specialisation:

- (a) academic qualifications;
- (b) experience;
- (c) proportion of working time involved;
- (d) level of success achieved;
- (e) complexity of law and practice;