

PROBATE & ESTATE PLANNING SECTION

Respectfully submits the following position on:

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Rescission of Amendment of Rule 7.3 of the Michigan Rules of Professional Conduct and Proposed Amendment of Rule 7.3 of the Michigan Rules of Professional Conduct

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The Probate & Estate Planning Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Probate & Estate Planning Section only and is not the position of the State Bar of Michigan.

The State Bar position on this matter is to oppose the proposed amendment of Rule 7.3 of the Michigan Rules of Professional Conduct.

The total membership of the Probate & Estate Planning Section is 4,128.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 23. The number who voted in favor to this position was 16. The number who voted opposed to this position was 0.

Report on Public Policy Position**Name of section:**

Probate & Estate Planning Section

Contact person:

Amy N. Morrissey

E-Mail:amorrissey@westermanpc.com**Proposed Court Rule or Administrative Order Number:**[Rescission of Amendment of Rule 7.3 of the Michigan Rules of Professional Conduct and Proposed Amendment of Rule 7.3 of the Michigan Rules of Professional Conduct](#)

Under the proposed amendments, MRPC 7.3 would be reformatted and would describe the general prohibition regarding a lawyer's solicitation, and also would describe the types of communication that are allowed, including a lawyer's general advertising, and a lawyer's targeted communications to potential clients who are facing legal problems (as protected by *Shapiro v Kentucky Bar Ass'n*, 486 US 66 [1988]). The proposed amendments of MRPC 7.3 would require that inclusion of the designation "Advertising Material" on general advertising and targeted communications applies only to written materials, including e-mailed communications, but not to television or radio advertisements. The amendment also requires a 30-day period to pass before an attorney may contact a potential client after a death, injury, or accident.

Date position was adopted:

October 22, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

23

Number who voted in favor and opposed to the position:

16 Voted for position

0 Voted against position

0 Abstained from vote

7 Did not vote

Position:

Oppose

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.<http://courts.michigan.gov/supremecourt/Resources/Administrative/2002-24-07-19-11-order.pdf>