



MEMORANDUM

To: Members, Disciplinary Rules Committee

From: Jenny K. Mittelman

Date: May 28, 2021

Re: Proposed revisions to GRPC Part Seven

Proposed Rule 7.1

1. Our current rules 7.1 and 7.3 require specific disclaimers and detail the required disclaimers in the body of the rules. The ABA model leaves the issue of disclaimers to the comments, explaining that there are times a disclaimer is necessary to make a communication not misleading. (Think the need to include "advertisement" on a mailing that looks like a summons.) Should we add Georgia's specific disclaimers to the rules, put them in the comments, or use the ABA comment regarding disclaimers?
2. Comment 5 in the ABA Model deals with firm names and letterhead. Georgia's Rule 7.5 on firm names and letterhead was just amended in February, 2020. Should we put the contents of our rule 7.5 in the comments consistent with the ABA reorganization, or leave the information in a separate rule?

Proposed Rule 7.2

1. The ABA Model still places restrictions on for-profit referral services. Georgia did away with the restrictions years ago. Georgia also has language that addresses bar-operated non-profit lawyer referral services. Should we omit the ABA language on referral services? Should we include Georgia's language regarding bar-operated referral services?
2. The ABA Model has new language on reciprocal referral agreements and nominal thank you gifts following a referral.
3. The ABA Model prohibits lawyers from using the word "specialist" unless they have some particular certification. Georgia allows lawyers to use the term by virtue of training, experience or certification. Should we use the existing Georgia language instead of the ABA language?

Proposed Rule 7.3

The current Georgia rule includes a prohibition against targeted mail in injury cases until 30 days after the accident. The ABA Model does not include this language. SCOTUS found Florida's equivalent regulation to be constitutional in Florida Bar vs. Went For It, 515 U.S.618 (1995), but has not addressed similar limitations on targeted mail in domestic or criminal cases. Should we put the Georgia language in the rule, move it to the comments as an example of overreaching, or

exclude it and leave regulators to address specific instances where facts suggest coercion or overreaching?

Proposed Rule 7.6

The ABA has had Rule 7.6 in its model since 2000. Seven states have adopted the rule. Georgia does not currently have an equivalent rule, but would address a bribe using Rules 3.5(a) and 8.4(a)(4).

This is a short list of highlights, but perhaps a good place to start as you begin analyzing the amendments.

jkm