

2025 Regular Session

HOUSE BILL NO. 430

BY REPRESENTATIVES CARVER, BAMBURG, BERAULT, CARLSON, CHENEVERT, COATES, DOMANGUE, GALLE, HENRY, GLORIOSO, MELERINE, AND WYBLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ATTORNEYS: Creates the Louisiana Lawyer Advertising and Unfair Trade Practices Act

1 AN ACT

2 To enact R.S. 37:224 through 233, relative to attorney advertising; to create the Louisiana  
3 Lawyer Advertising and Unfair Trade Practices Act; to provide legislative purpose;  
4 to provide definitions; to provide content and format restrictions; to regulate online  
5 advertising; to prohibit certain advertising practices; to provide advertising  
6 requirements; to provide penalties; to provide for enforcement authority; to provide  
7 for severability; to provide an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:224 through 233 are hereby enacted to read as follows:

10 PART I. LOUISIANA LAWYER ADVERTISING AND UNFAIR TRADE

11 PRACTICES ACT

12 §224. Short title

13 This Part may be cited as the "Louisiana Lawyer Advertising and Unfair  
14 Trade Practices Act" or "LUPTA".

15 §225. Purpose

16 The purpose of this Part is to supplement existing Rules of Professional  
17 Conduct of the Louisiana State Bar Association to further regulate lawyer advertising  
18 to protect consumers and promote fair business practices while upholding the  
19 integrity of the legal profession and respecting constitutional free speech rights.

1        §226. Definitions2                For the purposes of this Part:3                (1) "Lawyer advertising" means any public communication made by a  
4 lawyer or law firm for the purpose of soliciting clients.5                (2) "False, misleading, or deceptive" means advertisements that contain any  
6 of the following:7                    (a) Material misrepresentations of fact or law.8                    (b) Omission of facts necessary to prevent the information from being  
9 misleading.10                  (c) A potential creation of unjustified expectations about the results a lawyer  
11 can achieve.12                  (3) "Unfair trade practices" means any conduct under the Louisiana Unfair  
13 Trade Practices and Consumer Protection Law.14        §227. Consistency with Louisiana Rules of Professional Conduct15                All lawyer advertisements shall comply with the Rules of Professional  
16 Conduct of the Louisiana State Bar Association. In the event of any conflict, the  
17 Rules of Professional Conduct of the Louisiana State Bar Association shall govern.18        §228. Content and format restrictions19                A. Lawyer advertisements shall not contain false, misleading, or deceptive  
20 statements or implications in accordance with Rule 7.2(c) of the Rules of  
21 Professional Conduct.22                B. Advertisements shall contain the name and office address of at least one  
23 attorney or law firm responsible for the content in accordance with Rule 7.2(a)(2) of  
24 the Rules of Professional Conduct.25                C. Testimonials shall comply with all of the following:26                    (1) Include truthful experiences with the lawyer or law firm.27                    (2) Include disclaimers where necessary and specify that past outcomes of  
28 cases do not guarantee future outcomes in accordance with Rule 7.2(c)(1)(D) of the  
29 Rules of Professional Conduct.

1           (3) Disclose that a person in the testimonial is an actor if it is not being given  
2           by actual clients as prohibited by Rule 7.2(c)(1)(H) and (I) of the Rules of  
3           Professional Conduct.

4           §229. Online advertising

5           A. Any advertisements disseminated on the internet shall comply with the  
6           Rules of Professional Conduct of the Louisiana State Bar Association and be  
7           consistent with this Part.

8           B. Internet advertising shall not create unjustified expectations or contain  
9           comparisons unless it can be factually verified consistent with Rule 7.2(c) of the  
10          Rules of Professional Conduct.

11          C. Lawyers shall ensure that digital advertising platforms accurately reflect  
12          the lawyer's practice areas, fees, and services offered. Digital advertising platforms  
13          include but are not limited to search engines, social media, and pay-per-click  
14          services.

15          §230. Prohibited advertising practices

16          A. No lawyer advertisement shall promise results or suggest that the lawyer  
17          can achieve results by violating professional conduct rules consistent with Rule  
18          7.2(c)(1)(B) and (F) of the Rules of Professional Conduct.

19          B. Advertisements may not suggest that lawyers have a relationship with a  
20          governmental agency or guarantee success due to past employment or influence  
21          consistent with Rule 7.2(c)(1)(F) of the Rules of Professional Conduct.

22          C. The misleading use of legal terms, including "specialist" or "expert", is  
23          prohibited unless the attorney is certified by the Louisiana Board of Legal  
24          Specialization or another equivalent accrediting body in compliance with Rule  
25          7.2(c)(5) of the Rules of Professional Conduct.

26          §231. Advertising requirements

27          A. There is a prohibition of any direct solicitations of potential clients for  
28          thirty days following personal injury accidents unless explicitly requested by the

1 potential client in compliance with Rule 7.4(b)(1) of the Rules of Professional  
2 Conduct.

3 B. All advertisements referencing specific amounts of money shall include  
4 a disclaimer that says: "Results may vary. The amount recovered depends on the  
5 facts of each case."

6 C. Any advertisement referring to previous awards or settlements shall  
7 disclose the net total amount received by the client after the deduction of fees, costs,  
8 and other expenses related to the matter.

9 D. There shall be no use of slogans, jingles, or mottos in any media  
10 advertisement unless the contents of the advertisement has been factually verified or  
11 it is necessary to describe legal services.

12 §232. Violations, enforcement, and penalties

13 A. Any violation of this Part shall constitute a violation of the Louisiana  
14 Unfair Trade Practices and Consumer Protection Law.

15 B. Consumers affected by violations provided by this Part may pursue  
16 remedies available under the Louisiana Unfair Trade Practices and Consumer  
17 Protection Law including damages, attorney fees, and injunctive relief.

18 C. The attorney general and the Louisiana State Bar Association shall have  
19 joint enforcement authority for violations of this Part.

20 D. Noncompliance penalties may include fines, sanctions, suspension, or  
21 disbarment under the Louisiana Supreme Court rules and procedures.

22 §233. Severability

23 A. This Part is intended to comply with federal and state constitutional  
24 provisions and shall be construed to maintain a balance between consumer protection  
25 and free speech rights.

26 B. If any provision of this Part is found to be unconstitutional or otherwise  
27 invalid, the remaining provisions shall remain in force and effect.

28 Section 2. This Act shall have prospective application only and shall apply to lawyer  
29 advertisements created, aired, or distributed after the effective date of this Act.

1 Section 3. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 430 Original

2025 Regular Session

Carver

**Abstract:** Establishes the La. Lawyer Advertising and Unfair Trade Practices Act relative to attorney advertising.

Proposed law (R.S. 37:224 and 225) enacts the La. Lawyer Advertising and Unfair Trade Practices Act and provides for legislative purpose.

Proposed law (R.S. 37:226) defines "lawyer advertising", "false, misleading, or deceptive", and "unfair trade practices".

Proposed law (R.S. 37:227) emphasizes that lawyer advertisements shall comply with the Rules of Professional Conduct of the La. State Bar Assoc. and that, if there are any conflicts, those rules shall govern.

Proposed law (R.S. 37:228) reiterates present law stating that lawyer advertisements shall not contain false, misleading, or deceptive statements or implications. The advertisements shall contain the name and office address of at least one attorney or law firm responsible for the content.

Proposed law also requires all of the following for testimonials:

- (1) Include truthful experiences with the lawyer or law firm.
- (2) Include disclaimers where necessary and specify that past outcomes of cases do not guarantee future outcomes.
- (3) Disclose that a person in the testimonial is an actor if it is not being given by actual clients.

Proposed law (R.S. 37:229) requires online advertisements to comply with the Rules of Professional Conduct of the La. State Bar Assoc. and the provisions of proposed law.

Proposed law prohibits a creation of unjustified expectations or contain comparisons unless it can be factually verified as required by present law.

Proposed law requires digital advertising platforms to accurately reflect the lawyer's practice areas, fees, and services offered. It also describes what a digital platform may include.

Proposed law (R.S. 37:230) reiterates the provisions of present law dealing with prohibited advertising practices such as promising results or suggesting that a lawyer has a relationship with a governmental agency or using misleading terms.

Proposed law (R.S. 37:231) prohibits direct solicitation of potential clients following a personal injury unless explicitly requested by the potential client as provided by present law.

Proposed law requires particular disclosure language in certain instances and prohibits the use of slogans, jingles, or mottos in any media advertisement unless the contents of the advertisement has been factually verified or it is necessary to describe legal services.

Proposed law (R.S. 37:232) provides for violations, enforcement, and penalties. Permits the attorney general and La. State. Bar Assoc. joint enforcement authority for violations of proposed law.

Proposed law provides that noncompliance penalties may include fines, sanctions, suspension, or disbarment under La. Supreme Court rules and procedures.

Proposed law (R.S. 37:233) provides for severability.

Proposed law provides for prospective application only and applies to lawyer advertisements created, aired, or distributed after the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 37:224-233)