

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 23 OF 2017

The Legal Practitioners Act
(Laws, Volume 4, Cap. 30)**The Legal Practitioners (Publicity) Rules, 2017**

ARRANGEMENT OF RULES

Rule

1. Title
2. Interpretation
3. Application
4. Prohibition of advertising contrary to Rules
5. Advertising within Zambia
6. Advertising outside Zambia
7. Area of practice
8. Letterhead and stationery
9. Advertisements in legal and non-legal directory
10. Nameplate
11. Building directory
12. Business card
13. Brochure, leaflet and pamphlet
14. Journal, magazine and newsletter
15. Notice
16. Interviews with press, radio and television
17. Participation in seminars, conferences and other fora
18. Greeting card
19. Client's publicity
20. Documents relating to property transaction
21. Books, etc. written by practitioner
22. Advertising through the electronic media, internet or website
23. Free legal advice
24. Practitioner's responsibility in relation to advertisement concerning practitioner
25. Professional misconduct

IN EXERCISE of the powers contained in section 90 of the Legal Practitioners Act, the following Rules are made:

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| Title | 1. These Rules may be cited as the Legal Practitioners (Publicity) Rules, 2017. |
| Interpretation | <p>2. In these Rules, unless the context otherwise requires—</p> <p>“advertise” means placing or providing a notice, an announcement or other form of promoting a firm in an electronic or print medium or a newspaper article, television, radio broadcast, brochure or directory entry, but excludes a notice or announcement prepared on behalf of a client or notice by a firm on change of address or contact details of the firm, and “advertising” and “advertisement” shall be construed accordingly;</p> <p>“approved information” means any one or more of the following:</p> <ul style="list-style-type: none"> (a) the name of the firm; (b) the address of the firm; (c) the telephone numbers of the firm; (d) the business hours of the firm; (e) the year in which the firm or its predecessor in title was established; (f) the merger or association of a firm with another firm in Zambia or elsewhere; (g) historical data of the firm or its predecessor in title; (h) the designation “Advocate”, “Advocates”, “Legal Practitioner” or “Legal Practitioners”; (i) the designation “Commissioner for Oaths” or “Commissioners for Oaths”; (j) the designation “Notary Public” or “Notaries Public”; (k) the designation “& Partners” “& Co” or “Chambers”; (l) the designation “consultant” or “consultants”; (m) the area of practice engaged in by the firm or by the practitioners practising in the firm; (n) the language proficiency of the practitioners practising in the firm; (o) the name of the practitioners practising in the firm and whether any practitioner is a sole proprietor, partner, legal assistant or consultant of that firm; |

- (p) the year of admission as an advocate of the practitioner practising in the firm and whether the practitioner has been admitted as a practitioner in another jurisdiction;
- (q) the academic and professional qualifications of the practitioners practising in the firm and any official title conferred upon them;
- (r) information on completed cases handled by the firm or the practitioners practising in the firm, subject to the prior written consent of the clients and the duty of confidentiality owed to such clients;
- (s) names of persons who are or have been the practitioner's clients or the firm's clients, subject to the prior written consent of such persons; and
- (t) any other information with the prior written approval of the Council;

“Council” means the Council of the Law Association of Zambia established under section *ten* of the Law Association of Zambia Act;

Cap. 31

“firm” means a business concern for the practice as a legal practitioner, and includes a sole practitioner;

“Legal Practitioners’ Committee” means the Legal Practitioners’ Committee appointed by the Council under section *thirteen* of the Law Association of Zambia Act;

Cap. 31

“practice” has the meaning assigned to it in the Act;

“practitioner” has the meaning assigned to it in the Act;

“publicise” means to make known to the public through any form of advertisement, including an advertisement—

- (a) published in a newspaper, journal, magazine, book, booklet, directory or other publication;
- (b) contained in a letter, brochure, bulletin, business card, leaflet, nameplate, newsletter, notice, pamphlet or letterhead or stationery used for professional purposes; or
- (c) placed in, stored in or transmitted through any electronic media accessible to the public or to any section of the public.

3. These Rules apply to every practitioner, whether the practitioner is practising as a sole proprietor, partner, employee, in-house counsel or consultant of a firm.

Application

Prohibition
of
advertising
contrary to
Rules

4. (1) A practitioner shall not advertise the practitioner's practice or firm or allow any of the practitioner's employees or any other person to advertise the practice or firm in any manner that is contrary to these Rules.

(2) A practitioner shall not solicit or attempt to solicit professional business by doing or permitting to be done anything which, by its manner, frequency or otherwise has, in the opinion of the Council, the effect of publicising the practitioner's practice or firm in a manner which is inconsistent with or not permitted by these Rules.

Advertising
within
Zambia

5. (1) A practitioner who advertises the practitioner's practice or firm within Zambia—

(a) shall not advertise—

- (i) in a manner that is likely to diminish public confidence in the legal profession or to bring the legal profession into disrepute; or
- (ii) in a manner that is ostentatious, in bad taste, misleading, deceptive, inaccurate, false, sensational, intrusive, offensive or in any other way unbecoming the dignity of the legal profession; or

(b) shall not in the advertisement—

- (i) make any claim that the practitioner is a specialist or expert in an area of practice in which the practitioner is incompetent or unqualified;
- (ii) make any direct or indirect reference to the number or proportion of cases that have been successfully undertaken by the practitioner, or to the practitioner's earnings or the earnings of any practitioner practising with the firm;
- (iii) state that any particular person is or has been the practitioner's or firm's client;
- (iv) state anything that would be construed as offering any inducement to, or imposing any duress upon, any person as a means of obtaining professional business for the practitioner or the practitioner's firm;
- (v) make any statement relating to the rates charged by the practitioner or the practitioner's firm, or to the practitioner's firm's methods of charging;

- (vi) make any laudatory references to the practitioner or the practitioner's firm, or directly or indirectly extol the quality of the professional services provided by the practitioner or the practitioner's firm;
- (vii) make any comparison with, or criticism in relation to, the charges for, or the quality of, services provided by any other practitioner or firm;
- (viii) incorporate the armorial bearings of the Law Association of Zambia; or
- (ix) refer to the appointment of a practitioner currently or previously practising in the practitioner's firm to a judicial office.

(2) Without prejudice to sub-paragraph (ix) of paragraph (b) of sub-rule (1), a practitioner who advertises oneself or the practitioner's practice or firm may, in the advertisement, include in the name of the firm the name of a practitioner who had been previously practising in the firm and who has been appointed to a judicial office, where prior to that appointment the name was part of the name of the firm.

(3) For the purposes of sub-paragraph (ii) of paragraph (a) of sub-rule (1), an advertisement is misleading, deceptive, inaccurate or false if it—

- (a) contains a material misrepresentation of fact;
- (b) omits to state a material fact;
- (c) contains any information which cannot be reasonably verified; or
- (d) is likely to create an unjustified expectation about the results that can be achieved by the practitioner or the practitioner's firm.

6. (1) A practitioner may advertise the practitioner's practice or firm in any country outside Zambia but the advertisement shall not—

Advertising
outside
Zambia

- (a) be conducted in a manner that is contrary to these Rules and the laws of that country;
- (b) be conducted in a manner that is likely to diminish the confidence of the public in that country regarding the legal profession of Zambia, or to otherwise bring the legal profession of Zambia into disrepute;

(c) be published in any newspaper, journal or other publication in circulation in that country, which is widely circulated in Zambia; or

(d) be published in any edition of any newspaper, journal or other publication originating from that country, where such edition is published specifically for circulation to the public in Zambia.

(2) For the purposes of paragraph (c) of sub-rule (1), in determining whether any newspaper, journal or other publication in circulation in a country outside Zambia is also widely circulated in Zambia, the factors to be considered by the Council may include—

(a) the availability of the newspaper, journal or other publication in bookshops and newspaper stands in Zambia; and

(b) the method by which the newspaper, journal or other publication is circulated in Zambia.

(3) A practitioner who advertises the practitioner's practice or firm in a country outside Zambia shall cause a copy of the advertisement to be kept at the practitioner's principal place of business for a period of at least twelve months from the date of its publication, and shall, upon being requested to do so by the Council, produce a copy of the advertisement to the Council for inspection within the time specified by the Council.

Area of practice

7. An advertisement relating to a practitioner's practice or firm may state the area of practice engaged in by the practitioner or the firm.

Letterhead and stationery

8. A letterhead or stationery used by a practitioner or the practitioner's firm for professional purposes shall contain one or more approved information pertaining to the practitioner or the practitioner's firm.

Advertisements in legal and non-legal directory

9. (1) A practitioner may advertise the practitioner's practice or firm—

(a) in any one or more of the legal or nonlegal publications approved, in writing, by the Council;

(b) in any other publication whose appearance and contents are befitting the dignity of the legal profession; or

(c) in such other media as are permitted by these Rules.

(2) The advertisement referred to in sub-rule (1) shall contain only approved information.

(3) A practitioner who inserts an advertisement in a legal or nonlegal directory under sub-rule (1) shall cause a record of the advertisement to be kept at the practitioner's principal place of business for a period of twelve months from the date of its publication, and shall, upon being requested to do so by the Council, produce the record of the advertisement to the Council for inspection within the time specified by the Council.

10. (1) A practitioner shall display a name plate on the outside of the premises at which the practitioner's firm is located. Name plate

(2) The nameplate referred to in sub-rule (1) shall contain only approved information and shall be ninety centimetres by sixty centimetres.

11. A practitioner may cause the name and address of the practitioner's firm to be listed in the directory of the building at which the firm is located. Building directory

12. (1) A practitioner may distribute the practitioner's business card or permit the practitioner's employees to distribute the business cards— Business card

(a) in a discreet manner; and

(b) where it is proper for the practitioner to establish the practitioner's professional identity.

(2) A practitioner shall not permit any other person who is not the practitioner's employee to distribute the practitioner's business cards on the practitioner's behalf.

(3) The business cards referred to in sub-rule (1) shall contain only approved information.

13. (1) A practitioner may produce for distribution brochures, leaflets or pamphlets on the practitioner or the practitioner's firm that contain approved information. Brochure, leaflet and pamphlet

(2) The brochures, leaflets or pamphlets referred to in sub-rule (1) shall be distributed to—

(a) employees or practitioners practising in the firm;

(b) any client of the firm;

(c) any person making unsolicited and *bona fide* enquiries in relation to the professional services provided by the practitioner or practitioner's firm; or

(d) any person with whom the practitioner has or may have professional dealings befitting the dignity of the legal profession.

(2) A brochure, leaflet or pamphlet relating to the practice of a practitioner or firm shall not be put on display in any other place except within the premises of that firm.

(3) A practitioner who produces and distributes a brochure, leaflet or pamphlet under sub-rule (1) shall cause a copy of the brochure, leaflet or pamphlet to be kept at the practitioner's principal place of business for a period of twelve months from the date of its publication, and shall, upon being requested to do so by the Council, produce a copy of the brochure, leaflet or pamphlet to the Council for inspection within the time specified by the Council.

Journal,
magazine
and
newsletter

14. (1) A practitioner may produce for distribution a journal, magazine or newsletter relating to the practice of the practitioner's firm, which shall contain—

- (a) approved information;
- (b) law notes; or
- (c) legal articles.

(2) The practitioner may distribute the journal, magazine or newsletter referred to in sub-rule (1) to—

- (a) the employees or practitioners practising in the firm;
- (b) any client of the firm;
- (c) any person making unsolicited and *bona fide* enquiries in relation to the professional services provided by the practitioner or the firm; or
- (d) any person with whom the practitioner has or may have professional dealings befitting the dignity of the legal profession.

(3) A journal, magazine or newsletter relating to the practice of a practitioner or firm shall not be put on display in any other place except within the premises of that firm.

(4) A practitioner who produces and distributes a journal, magazine or newsletter under sub-rule (1) shall cause a copy of the journal, magazine or newsletter to be kept at the principal place of business for a period of twelve months from the date of its publication and shall, upon being requested to do so by the Council, produce a copy of the journal, magazine or newsletter to the Council for inspection within the time specified by the Council.

Notice

15. (1) A practitioner may insert in any newspaper, newsletter or law journal, or send to the practitioner's client or a person with whom the practitioner has professional dealings, a notice for the purpose of conveying information regarding—

- (a) the commencement or dissolution of the practitioner's practice;
- (b) the merger or association of the practitioner's practice with the practice of any other practitioner or firm;
- (c) the opening of any new branch of the firm;
- (d) the admission, withdrawal, retirement, termination or resignation of any practitioner to or from the firm, or the death of any practitioner practising in the firm;
- (e) any change in the name, address or telephone numbers of the firm; or
- (f) any other matters approved, in writing, by the Council.

(2) A practitioner may insert in any newspaper, newsletter or law journal a notice regarding a vacant position in the firm in a manner consistent with these Rules.

(3) A practitioner who advertises through a notice under sub-rule (1) or (2) shall cause a copy of the notice to be kept at the principal place of business for a period of twelve months from the date of its publication, and shall, upon being requested to do so by the Council, produce a copy of the notice to the Council for inspection within the time specified by the Council.

16. (1) A practitioner may, at the request of the press, radio, television or other media, consent to be interviewed in a professional or private capacity, but—

Interviews with press, radio and television

- (a) the interview shall not be in relation to any matter or be given with such frequency; or
- (b) at the interview nothing must be said or done by the practitioner; that may reasonably give rise, in the opinion of the Council, to an inference that the practitioner is attempting, through the interview, to advertise the practitioner's practice or firm in a manner inconsistent with these Rules.

(2) A practitioner who is interviewed by the press, radio, television or other media shall not allow any information pertaining to the practitioner or the practitioner's firm, except approved information, to be publicised.

17. (1) A practitioner may give public lectures or participate in seminars, conferences or fora and on such occasions the practitioner shall not say or do anything or cause anything to be done which may reasonably give rise to an inference that the practitioner is through the public lecture, seminar, conference or forum, advertising the practitioner's practice or firm in a manner inconsistent with these Rules.

Participation in seminars, conferences and other fora

(2) A paper presented by a practitioner at any public lecture, seminar, conference or forum under sub-rule (1) may—

- (a) be reproduced and distributed to the participants at the public lecture, seminar, conference or forum; or
- (b) be distributed in accordance with rule 12 or 13.

(3) A paper presented under this rule shall contain approved information.

Greeting card

18. (1) A practitioner may, on any special occasion, send greeting cards to—

- (a) a client of the firm; or
- (b) a person with whom the practitioner has professional dealings.

(2) The greeting card referred to in sub-rule (1) may, apart from the message of the greeting, contain approved information.

(3) A practitioner shall not send greetings to any person for any occasion by publishing the greetings in any form in a newspaper, journal or other publication.

Client's publicity

19. (1) Subject to sub-rule (2), a practitioner shall not permit or allow the practitioner's practice or firm to be advertised through any person who is not the practitioner's client.

(2) A practitioner or the practitioner's firm may be named in—

- (a) a client's email address or website;
- (b) the prospectus or annual report of a company that the practitioner is a client of; or
- (c) any other document prepared by the practitioner's client approved, in writing, by the Council.

(3) A practitioner shall not advertise or endorse the goods, products, projects of or services provided by any person whether or not such person is the practitioner's client.

(4) An advertisement placed by a practitioner in any newspaper, journal or other publication on behalf of that practitioner's client shall not contain any information pertaining to the practitioner or the practitioner's firm, except—

- (a) the name of the practitioner; and
- (b) the name, address and telephone numbers of the firm.

20. Where a practitioner who is acting for any person that is a party to a transaction for the sale and purchase or transfer of property prepares for the use of that person any document in relation to the transaction which will be available for inspection by the public, that document shall not contain any information pertaining to the practitioner or the practitioner's firm, except—
- (a) the name of the practitioner; and
 - (b) the name, address and telephone numbers of the practitioner's firm.
21. A practitioner who writes or contributes to the writing of—
- (a) a book which is intended to be published; or
 - (b) a letter or an article which is intended to be published in any newspaper, journal or other publication;
- shall state approved information in the book, newspaper, journal or other publication.
22. (1) An advertisement placed in, stored in or transmitted through the electronic media or internet or placed on a website shall comply with these Rules.
- (2) The advertisement referred to in sub-rule (1) shall—
- (a) contain approved information regarding the practitioner or the practitioner's firm;
 - (b) be stored by the practitioner for twelve months from the date of placement or transmission through the electronic media; and
 - (c) be available for inspection upon request by the Council or the Legal Practitioners' Committee.
23. A practitioner may give free legal advice to the public or any section of the public by contributing an article or letter for publication in any newspaper, journal or other publication.
24. (1) A practitioner shall, in so far as it is or should be within the practitioner's control, ensure that any advertisement relating to the practitioner's practice or firm is done in accordance with these Rules, whether such advertisement is done by the practitioner, the practitioner's employee or any other person on the practitioner's behalf.
- (2) Where a practitioner becomes aware of any impropriety in any advertisement relating to the practitioner's practice or firm, the practitioner shall endeavour to rectify or withdraw the advertisement, and shall at all times ensure that the Council is informed, in writing, as regards such matter.

Documents relating to property transaction

Books, etc., written by practitioner

Advertising through electronic media, internet or website

Free legal advice

Practitioner's responsibility in relation to advertisement concerning practitioner

(3) Where it appears to the Council that any advertisement relating to a practitioner's practice or firm is contrary to these Rules, it may, without prejudice to its powers under the Act, after making due inquiry regarding the advertisement, order the practitioner or firm or both to alter, modify, withdraw, remove or discontinue the advertisement.

Professional
misconduct

25. A practitioner who contravenes these Rules commits professional misconduct.

L. KALALUKA SC,
Chairperson

M. M. LIWELEYA,
Member

K. O. KAMFWA,
Member

I. M. KUNDA,
Member

A. PATEL SC,
Member

N. NCHITO SC,
Member

Concurred by me at Lusaka this 27th day of February, 2017

JUSTICE I. C. MAMBILIMA,
Chief Justice

LUSAKA
27th February, 2017
[LD/si/86/22]