

EXHIBIT 10

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3 LOUISIANA STATE BAR ASSOCIATION

4 ADVERTISING PUBLIC HEARING

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10 Public hearing on current and
11 proposed Louisiana Rules of Professional
12 Conduct regarding Lawyer Advertising and
13 Solicitation, held at the Loyola University
14 Campus, Audubon Room of the Danna Center, New
15 Orleans, Louisiana, on November 9th, 2006, at
16 or about 6:00 p.m.

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16 HOSTED BY:

17 Richard Stanley, LSBA's Rules of
18 Professional Conduct Committee

19 Richard Lemmler, LSBA's Ethics Council

20 William N. King, LSBA's Practice
21 Assistance Counsel

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22

23 REPORTED BY:

24 Gail F. Mason, RPR
25 Certified Court Reporter
Certificate No. 96004

1 BY MR. STANLEY:

2 I want to thank everybody for
3 coming out tonight. My name is Rick Stanley.
4 I'm Chair of the Rules of Professional Conduct
5 Committee, Louisiana State Bar Association.
6 And tonight is the third in a series of public
7 hearings that we're having on a proposed new
8 set of rules governing advertising.

9 The format briefly for tonight is
10 I'll give some very brief introductory remarks
11 following which Richard Lemmler, the LSBA's
12 Ethics Council, will actually walk us through
13 the proposed new rules. After that, we'd
14 invite folks to give comments. State your
15 name, where you're from and give comments about
16 anything you wish to say about the rules in
17 general. And if you have questions, we'll try
18 to address them, although the purpose here
19 tonight is not really for us to debate any of
20 the finer points of the rules but to hear what
21 you think of them. We're still in the comment
22 process as you'll hear in a minute.

23 Briefly by way of background,
24 approximately three years ago there was a
25 tremendous amount of impetus at least in some

1 sections of the Bar to move forward and do some
2 kind of revision to the advertising rules. And
3 not to say there is a -- to say there's a split
4 of opinion as to what ought to happen with the
5 advertising rules is to say that it's really
6 understated tremendously. There's some folks
7 who believe that there's no changes that are
8 needed at all. There are some folks who
9 believe that there's an entire rewrite that is
10 needed, and there are others that believe that
11 something in between is what's called for.

12 Prior to Hurricane Katrina, a
13 subcommittee of the Bar Association went to
14 Florida to meet with the Florida Bar to see how
15 they were approaching their advertising rules.
16 At that point, the process really stalled after
17 Hurricane Katrina. The next thing that
18 occurred of significance is that the
19 Legislature took it upon itself to say that
20 they were going to pass a set of advertising
21 rules and make it a form of statutory
22 regulation as opposed to a form of regulation
23 under the Rules of Professional Conduct.

24 I think after some negotiations
25 between the Supreme Court and the Legislature,

1 the Legislature ended up by passing a
2 resolution asking the Supreme Court to appoint
3 a committee to undertake a review of the
4 advertising rules with the idea that the
5 Committee would get back to the Court and the
6 Court would make some kind of decision about
7 this in spring of next year. And after the
8 Legislature reviews what the Court does, then
9 the Legislature would decide whether it needed
10 to take any further action.

11 Now, obviously, this raised and
12 still raises Constitutional issues as to who
13 ought to be regulating the Bar, the Court or
14 the Legislature, but part of this is hopefully
15 to be avoided by the process that we're
16 following.

17 The Rules Committee -- in the
18 middle of this, the Supreme Court Committee
19 asked the Rules Committee to take a look at the
20 work that had already been done by our
21 subcommittee on advertising. And the
22 subcommittee on advertising essentially used
23 the Florida Rules as the basis for the work
24 that was being done on revision.

25 So the starting point for

1 virtually everything you see is the Florida
2 Rules. And comments -- things that were pulled
3 up from the comments are the Florida rules.
4 The essential thinking was that Florida had a
5 great deal of experience regulating
6 advertising, that Florida had already litigated
7 at least a couple of issues on the advertising
8 front, and so if we followed the Florida format
9 that we would at least be following something
10 that had a track record of sorts. And I think
11 that we were also influenced by the fact that
12 New York largely followed the Florida model
13 when they proposed their new rules, which have
14 not yet been adopted.

15 So that's our -- that was our
16 benchmark for working. What we tried to do is
17 go through the Florida Rules and where we could
18 improve of them -- improve on them. Now, there
19 is unquestionably a lot of stuff in here that
20 some people are going to feel one way or
21 another about. There were several rules that
22 when they came up before our Committee were
23 subject to a vote where it was passed by 5 to 4
24 or 4 to 5, you know. So, believe me, we had a
25 lot of debate about these rules. And that's

1 one of the reasons we want to have these public
2 hearings is to hear what you guys have to say
3 about it and, you know, bring that back to the
4 Court.

5 The process from this point
6 forward will be that after we have these public
7 hearings and collect these comments, the Rules
8 Committee will meet, make one final review and
9 then issue its recommendation up to the House
10 of Delegates. The House of Delegates will then
11 have an opportunity to vote on the new rules up
12 or down.

13 So the first political step, I
14 guess, will be that this will go to the Bar
15 Association House of Delegates. From there the
16 Supreme Court Committee will make its final
17 recommendation to the Supreme Court, and then
18 it's essentially out of our hands. And the
19 Supreme Court will do whatever it feels
20 justified based on the record that's before it.
21 And then, I guess, if the Legislature wants to
22 do anything further after that, we'll see what
23 the Legislature does.

24 But the purpose of these meetings
25 is to take the product that we have now and

1 hear public comment on them either in support
2 or in criticism of and to try to answer as many
3 questions as we can. But I can assure you we
4 don't have time to debate all of the niceties
5 of the rules because, indeed, we're not here to
6 debate. Some of us may be on the side that you
7 are going to propose or the objecting side.
8 Some of us are maybe on the supporting side.
9 But a lot of these things were close votes.

10 But that's essentially the
11 introduction to the process and where we are.
12 And I'll turn it over now to Richard who can
13 take us through the rules and kind of give you
14 an overview of the substantive changes.
15 Richard.

16 BY MR. LEMMLER:

17 Thank you, Rick. At this point,
18 I just want to do a few little housekeeping
19 things before we actually get into the heart of
20 the rules themselves or the proposed rules.
21 Our public hearings are being transcribed. We
22 have a court reporter here. So when you have a
23 comment -- and let me make a statement about
24 that before I go any further. The way we've
25 approached it thus far, we've had two hearings

1 so far. We've had one in Baton Rouge last
2 week. Last night we were in Lafayette. We're
3 here tonight, and we'll be in Shreveport next
4 week. Thus far, we've actually gone
5 rule-by-rule or at least a summary of each
6 rule. And we have encouraged people to take
7 their comments at that point, hopefully not too
8 lengthy because we have ten rules to go
9 through. Last night we got a little stalled on
10 the first rule, and 45 minutes later we were
11 trying to get to the second rule. So we sped
12 that up a little bit and encouraged people not
13 to stay for breakfast, and it worked.

14 So I do want to encourage you to
15 make your comments. I'd ask you to make your
16 comment -- stand up, state your name for the
17 record, make your comment and not really
18 belabor the point. Again, we're not here to
19 debate the rule. If you want to make something
20 a little more extensive or you feel like you've
21 forgotten something, you're welcome to do that,
22 but you can also make it in writing and submit
23 it the Committee. Right now we do have on-line
24 an on-line comment form on the Bar website,
25 LSBA dot org. There's a link on the page under

1 news and developments that will actually take
2 you to the rules -- the proposed rules, take
3 you to a comment form and you can fill it out.
4 And we're planning to put all those public
5 comments on-line as well as the transcripts of
6 these hearings.

7 Let's see. Where are we? CLE
8 credit. You get CLE credit for tonight, one
9 hour or ethics. And we'll give you the number
10 and so forth at the end.

11 BY MR. HANTHORN:

12 Will someone respond to our
13 comments that we send in via e-mail or are they
14 just gratuitous comments that will be ignored?

15 BY MR. LEMMLER:

16 They're not by any means
17 gratuitous. I think the point of this whole
18 process is to gather all of the comments. The
19 Committee, I think, will be meeting at the end
20 of the month to review all of those comments.
21 If you have a specific question, we'll try to
22 respond to the question. If it's just a
23 comment or a remark about a suggestion, a
24 substantive change or something of that nature,
25 you know, if you want to respond to it, you'll

1 get it.

2 But primarily it's not going to
3 be, you know, we think you're totally wrong.
4 We're not going to agree with you or that sort
5 of thing. We just want to know what you think,
6 whether you like it or not. Okay.

7 BY MS. ALSTON:

8 Rich, you might want to explain
9 to them how the Committee process works so that
10 everybody understands that the Committee takes
11 the comments very seriously and they're
12 discussed at some length.

13 BY MR. STANLEY:

14 Yeah. In fact, just to sum up
15 what Richard said, if Ethics 2000 is any guide,
16 we did this same process in Ethics 2000. In
17 the public hearing -- and we thought we had a
18 really good set of rules. And in the public
19 hearing process, we heard a lot of very good
20 comments about the rules and issues that maybe
21 we weren't even focused on in the Committee.

22 And as a result of that, the
23 Committee made several revisions based on the
24 public hearings to the Ethics 2000 rules before
25 they went to the House of Delegates and before

1 they went to the Court. So the comments are
2 taken seriously, and they are reviewed and very
3 often do result in changes to the rules or at
4 least a vote as to whether the rule ought to be
5 changed based on the comments.

6 BY MR. LEMMLER:

7 Thank. Yes, this is a work in
8 progress and by no means a done-deal. We're
9 looking for ways to improve the product. We
10 are on a slightly more accelerated timetable
11 than we were with the Ethics 2000 proposal, but
12 so be it. That's where we are. But, please,
13 make your comments.

14 The Florida State Bar experience,
15 Rick has already alluded to that. As I told
16 the audience last night, this is not designed
17 to talk about a tour of alcoholic beverage
18 establishments in the state of Florida. It's
19 actually to talk about the State Bar in Florida
20 and what they've done so far and, basically,
21 why we chose this piece of work to propose as
22 part of our own.

23 They've had their rules in some
24 form, basically the form that's there now with
25 some revision. And by the way, they just

1 revised their rules last week, so I'll be
2 trying to incorporate some of those revisions
3 into -- or at least noting the revisions with
4 the rules as I go through them tonight. The
5 committee is obviously, I think, going to be
6 looking at those revisions as well. But their
7 rules have been in place for about 11 years.
8 That was one of the reasons why, I think, the
9 committee chose that -- or at least the
10 subcommittee chose that to go forward with as a
11 product. Why re-invent the wheel.

12 The other aspect of that is that
13 Florida has a handbook, an 82-page handbook
14 that includes examples, lots of explanations,
15 lots of guidance with respect to what the rules
16 are intended to mean, the application of the
17 rules, the filing process and so forth. So
18 we're intending at some point, I think, to also
19 come up with a handbook, assuming whatever
20 product of the rules goes through. So that was
21 a good additional reason to go with the Florida
22 rules. And, you know, again, why re-invent the
23 wheel?

24 Oddly enough or coincidentally
25 enough, I believe that's what the State

1 Legislature actually focused on in their
2 legislation. They were looking at the Florida
3 rules. What they were proposing is,
4 essentially, what Florida is doing right now
5 anyway. So they sort of meshed together. And,
6 again, why change it? If that's what the
7 Legislature was looking at, maybe that could
8 also be part of the product and appeal to
9 everyone.

10 We've broken down the actual
11 rules that we're going to be going through and
12 the substantive parts. And there's a
13 procedural component, so I'm going to go
14 through the substantive part first and then
15 we'll get to the procedural part second. We'll
16 take a couple rules out of order, but I think
17 it makes more sense logically to do it that
18 way.

19 Just comparatively, just so you
20 can see what we're talking about if you haven't
21 looked at these already -- let me ask that
22 question now: How many people have actually
23 looked at the proposal thus far?

24 (A SHOW OF HANDS FROM THE
25 AUDIENCE.)

1 BY MR. LEMMLER:

2 Okay. So most everybody here.

3 That's great. What we have right now on the

4 left, we have five rules. We're proposing ten.

5 You'll note on the side-by-side comparison

6 that's part of the materials that are in the

7 back -- and, again, if you haven't gotten them

8 already -- the current rules that we have in

9 Louisiana have not been deleted in any real

10 fashion. They mesh right into the proposal.

11 We took great care with making sure that they

12 fit into the proposal. Virtually, none of the

13 words in the current rules have been deleted.

14 The proposal really is just an admittedly

15 augmented form of what we have right now.

16 All right. Let's get right to

17 it. Proposed Rule 7.1 -- this is just a

18 general definitional rule -- Permissible Forms

19 of Advertising. Basically telling you what the

20 permissible forms are. Public media including

21 print media such as telephone directories,

22 legal directories, newspapers or other

23 periodicals, outdoor advertising such as

24 billboards and other signs, radio, TV, computer

25 access communications, recorded messages the

1 public may access by dialing a telephone
2 number, and written communications set in
3 accordance with Rule 7.4 which are effectively
4 referred to as targeted written solicitations,
5 direct mail.

6 Rule 7.2 -- any comments about
7 7.1 before I go forward?

8 (NO RESPONSE FROM THE AUDIENCE.)

9 BY MR. LEMMLER:

10 7.2 -- and I'm just going to keep
11 rolling unless you stop me. 7.2 is a very
12 large rule. As you'll note from your
13 side-by-side comparison, our existing Rule 7.1
14 actually fits into 7.2. All of the language
15 that's in our existing Rule 7.1 has been put
16 into 7.2 or already fit into what Florida has
17 for their 7.2. It's broken down into required
18 information, prohibited statements and
19 information and general regulations governing
20 the content of advertisements.

21 I'll note for you that in the
22 recent revision that Florida made to its rules,
23 they have effectively flipped B and C. Their
24 general regulations and permissible forms of
25 advertising come now first before the

1 prohibited information. Perhaps there's a
2 psychological benefit. It appeals to people to
3 see what they can do first rather than be told
4 what they can't do anymore.

5 7.2: Required Information,
6 7.2(a): In all advertisements and written
7 communications with the exception of whether
8 it's a Safe Harbor communications, the name of
9 the lawyer responsible for the content of the
10 communication must appear as well as the
11 location of the practice, a bona fide office
12 location of the lawyer or lawyers who will
13 actually perform the services advertised. Yes,
14 sir. State your name, please.

15 BY MR. HANTHORN:

16 Scott Hanthorn, solo
17 practitioner, and I work all over southeast
18 Louisiana. I do only DWI work, and I do it in
19 all the various locations. Does this require
20 me to have an office in every parish that I
21 work in?

22 BY MR. LEMMLER:

23 I don't believe. I believe it
24 requires you to state the name of an office
25 location with an advertisement.

1 BY MR. HANTHORN:

2 A location?

3 BY MR. LEMMLER:

4 Yes, sir.

5 BY MR. HANTHORN:

6 Now, further down here it talks
7 about phone numbers. I have an 800 number, and
8 I have a 985 number that I send out, a 225
9 number and a 504 number. Am I required to have
10 an office in those three locations?

11 BY MR. LEMMLER:

12 No, sir. If you read the last
13 sentence of (a)(2) it says: If an
14 advertisement or written communication lists a
15 telephone number in connection with a specified
16 geographic area other than an area containing a
17 bona fide office, appropriate qualifying
18 language must appear in the advertisement.

19 BY MR. HANTHORN:

20 So what does that mean?

21 BY MR. LEMMLER:

22 If you don't have an office
23 connected to that phone number, I suppose you
24 need to say this is -- you know, no office
25 location there or this is just a telephone

1 number. I'm not exactly sure what that means,
2 but I believe you're not required to have an
3 office in that location.

4 BY MR. HANTHORN:

5 So I'd have to say something like
6 here's my 800 number, call me for free. If
7 Broadway screws up again, for your convenience
8 here's a local number, because that's why I
9 have all these back-up numbers, because I've
10 had so much trouble with my 800 number.

11 BY MR. LEMMLER:

12 I understand.

13 BY MR. HANTHORN:

14 In order to just keep myself in
15 business, I've got these back-up numbers.

16 BY MR. LEMMLER:

17 Ask the committee members present
18 if they have a comment on this or an
19 explanation, perhaps.

20 BY MR. STANLEY:

21 I think the point here is that if
22 you have numerous phone numbers in different
23 areas of the state but you only have one
24 office, you'd have to footnote or asterisk and
25 say no physical office location in this area.

1 But you have a phone number in this area?

2 BY MR. HANTHORN:

3 But what if I do go physically
4 meet people in that area even though I don't
5 have an office under my name? I might borrow
6 someone else's office or I might buy them a cup
7 of coffee in a coffee shop.

8 BY MR. STANLEY:

9 That's the kind of thing we'll be
10 able to talk to you about when you get to the
11 submission of your advertisement for review by
12 the Bar.

13 BY MR. HANTHORN:

14 But by then it's going to be too
15 late because you'll have already put these
16 rules into place. I need to stop you now
17 before you destroy my business. Excuse me.

18 BY MR. STANLEY:

19 Well, I understand. And what I'm
20 saying is, the point here is, if you don't have
21 a physical office there, it may mislead the
22 public if you're giving a 504 number and they
23 think you've got an office in the 504 area code
24 where they can come visit you.

25 BY MR. HANTHORN:

1 What if I will, in fact, drive to
2 them, because that's what I do. My main office
3 is in Mandeville, but I will drive to New
4 Orleans to meet a client. I will drive to
5 Baton Rouge to meet a client. I will drive to
6 Houma and Thibodaux to meet a client. I'll buy
7 them a cup of coffee in a coffee shop, and we
8 have a wonderful time. So they don't have to
9 come to Mandeville to meet with me. And it's a
10 hell of a lot cheaper to buy them lunch than to
11 have an office and a staff and all that stuff.

12 BY MR. STANLEY:

13 Well, I couldn't agree with you
14 more.

15 BY MR. HANTHORN:

16 So where am I misleading them if
17 I'm going to their location to meet with them
18 at their location as per the number that I have
19 in that location?

20 BY MR. STANLEY:

21 Well, I think the rule as it's
22 written -- and again -- simply states that
23 you've got to qualify it, that if you're not
24 there, you're going to come meet them there.
25 And as long as you've stated what you do, I

1 don't think you've got a problem with it.

2 BY MR. HANTHORN:

3 Okay.

4 BY MR. LEMMLER:

5 I don't think the rules require
6 you to have an office simply to qualify why the
7 phone number is there without an office. So
8 say by appointment only or, you know, I'll
9 drive to you or whatever you want.

10 BY MR. HANTHORN:

11 So if I would say convenient
12 meeting places available in various locales?

13 BY MR. STANLEY:

14 That sounds appropriate.

15 BY MR. HANTHORN:

16 That will do it?

17 BY MR. LEMMLER:

18 And giving an ethics' opinion on
19 rules that don't exist yet, it's kind of hard,
20 but I think you're probably right.

21 BY MR. HANTHORN:

22 Well, once these go in, Rich, you
23 know, it's going to be impossible to change
24 them, right?

25 BY MR. LEMMLER:

1 Well, I don't know about
2 impossible. Thank you. Ms. Alston, I think
3 you were first.

4 BY MS. ALSTON:

5 Yeah, I'm not going to repeat any
6 of the comments I made in Baton Rouge.

7 BY MR. LEMMLER:

8 Could you state your name for us,
9 please?

10 BY MS. ALSTON:

11 Elizabeth Alston. But the rule
12 about a bona fide office, since this rule
13 applies to any communication concerning a
14 lawyer's services, it also applies to firm web
15 pages. So, for example, Adams and Reese has
16 offices in Louisiana, Tennessee, Mississippi,
17 various states. And part of the practice of a
18 large law firm is if they have overload work in
19 one geographic location, they can utilize the
20 lawyers and associates in another locale to
21 catch up, help them catch up with that. But
22 this type of rule prohibits a large law firm
23 from sending business out of state to one of
24 their other lawyers in another office to work
25 on because they're not in the location of the

1 lawyers in the Louisiana law office.

2 BY MR. LEMMLER:

3 I don't envision that. I don't
4 see that rule, but we'll -- the comment is
5 well-taken. It's on the record.

6 BY MR. STANLEY:

7 Yeah, we'll take a look at that.

8 BY MR. LEMMLER:

9 Any other comments? Yes, sir.
10 Your name, please.

11 BY MR. CHAPMAN:

12 The name is Nathan Chapman. Let
13 me tell you the context for my remarks. I
14 actually work for an advertising agency. About
15 15 years ago, I went to do a print ad for a
16 friend of mine who was an attorney at a law
17 firm that specialized in social security
18 disability. And they started asking me
19 questions about whether the ad should be in the
20 sports section or movie section. The more we
21 talked for their niche, the social security
22 disability claimants, we recognized they should
23 be on television itself. And my first reaction
24 was, oh, lawyer commercials. And I made a deal
25 with them then, I'm only going to do this -- I

1 have a good reputation for my work -- if I can
2 do it with just as high a quality as any other
3 work I've ever done for anybody else. And the
4 firm, to their credit, said we've got a good
5 reputation too, that suits us fine.

6 And I started then. We did very
7 well. And we did it as high a quality as
8 possible. And I got reputation for that work.
9 And I now do that in 135 cities around the
10 country. And I can jump through any hoop that
11 you give me. But my pet peeve is when there
12 are rules that make it actually worse, you
13 know, because I'm trying to do quality work.
14 And I've got three comments on us that I want
15 to go through today when we go through the
16 different things.

17 This is -- this is one of them.
18 One of the things that's going on is that
19 there's now national advertising firms clearly
20 out of state will go to like the national
21 cable. It's like CNN instead of like the local
22 Cox Cable. And they're not putting this in
23 there. And so it's really bugging my clients.
24 So, for example, I have a client who's in
25 Lafayette, and we do some advertising, you

1 know, let's say, in Lake Charles. And so if we
2 have to put in there his office in Lafayette,
3 that's a little bit of a negative. And I guess
4 that's why people don't -- I guess the
5 attorneys in Lake Charles would like that.
6 They'd say, hey, that's a Lafayette guy. But
7 these big out-of-town firms, they're not doing
8 it and they're signing people up. So it's kind
9 of forcing the Louisiana attorneys to play by
10 rules that you can't -- you can't enforce on
11 the out-of-town firms. And those are the ones
12 you'd really like to know. Those aren't even
13 Louisiana attorneys. And they're probably just
14 going to refer it out.

15 I'm not sure we're solving a big
16 problem here, you know. What's the
17 justification we really -- I can see where the
18 Lake Charles people don't like it, and that's
19 just kind of an anti-competitive thing. You
20 know, do they do good work? Do they have
21 references, all those other things you ought to
22 evaluate an attorney by. Why is the physical
23 location of their office the biggest thing?

24 BY MR. STANLEY:

25 Why is the physical -- it's not

1 the biggest thing. It's one factor that should
2 be in the advertisement so the client can
3 actually know where they can physically locate
4 the attorney.

5 And as to your point as to the
6 out-of-town lawyers who are soliciting within
7 Louisiana, there is some problem with that with
8 respect to just the whole disciplinary process.
9 You can't reach those attorneys if they're not
10 licensed here. Now, there is -- if you read
11 the rules carefully, there is a bite in here in
12 that if that out-of-town attorney has solicited
13 a client in violation of these rules, this rule
14 says that ultimately if client doesn't want to
15 pay the fee, he doesn't have to. The fee
16 contract is going to be at issue.

17 So there will be a sanction of
18 sorts in here if a client is solicited
19 improperly by the out-of-town lawyer. But what
20 you pointed out is a multi-jurisdictional
21 issue, and it is indeed a problem. And there's
22 not a whole lot we can do. We can't stop
23 television advertisers from taking ads from
24 attorneys who are out of state.

25 So, yeah, these may impose rules

1 on Louisiana attorneys that are not imposed on
2 an Illinois attorney who's advertising in
3 Louisiana.

4 BY MR. CHAPMAN:

5 Well, my suggestion then would
6 be, if that's what our goal is tonight is to
7 give you suggestions --

8 BY MR. STANLEY:

9 Yes, please.

10 BY MR. CHAPMAN:

11 -- will be, like I have sympathy
12 for this man who says, well, he wants to go in
13 the entire region and now they're going to be
14 less reluctant to call him. I don't think
15 we're helping the public a whole lot. And so I
16 would suggest that we skip this rule. Thank
17 you.

18 BY MR. LEMMLER:

19 Okay. Anyone else? Mr. Bart,
20 for the record, please.

21 BY MR. BART:

22 Okay. Morris Bart, New Orleans.
23 And I'm going to have a number of comments, but
24 I can't resist the occasion at this point to
25 jump in on this one and put an exclamation

1 point on what is the biggest problem with rules
2 like this, and that is simply interpretation.
3 When you have rules like this, the danger is in
4 interpretation. And although we know you're
5 very experienced with ethics -- and, Rick, we
6 know you're very experienced and I've had 20
7 years of service on the committee of
8 advertising. I think I have knowledge with it.
9 Our interpretation of it does not necessarily
10 mean that's the way the Supreme Court or some
11 other committee is going to interpret it.

12 And, specifically, this office,
13 this physical office thing, in my opinion, it's
14 an outdated concept. It really is
15 protectionist type legislation. It came about
16 when lawyers in their communities didn't like
17 the fact that lawyers from outside their
18 community were coming in and advertising and
19 getting business without establishing an office
20 in that community.

21 And at one time, I guess a good
22 point could be made that perhaps it is
23 misleading to the public because they like to
24 think they can go knock on the door underneath
25 the shingle of the local lawyer. In the age of

1 the internet and video conferencing and 1-800
2 numbers, this really is a very outdated
3 concept.

4 You know, as an example, we have
5 offices in every city throughout the state, and
6 we have a very high-tech video conferencing
7 system. So, technically, a lawyer is present
8 there. We have a virtual lawyer present in
9 every office. And I think the public has
10 accepted that. The public is used to calling
11 1-800 numbers. The public is used to going on
12 the internet. Video conferencing has
13 proliferating throughout the country and is
14 widely used and even been accepted now by some
15 courts who are doing plea bargaining and doing
16 pre-sentencing proceedings on video
17 conferencing.

18 So this is being well-accepted.
19 I think it's more protectionist litigation
20 that's outdated. I can't resist giving an idea
21 to the gentleman here. Easy solution is, I
22 suggest you designate your car as your physical
23 location.

24 BY MR. HANTHORN:

25 Is that acceptable?