

(Legislative Supplement No. 18)

LEGAL NOTICE NO. 42

THE ADVOCATES ACT

(Cap. 16)

IN EXERCISE of the powers conferred by section 81 (1) (a) of the Advocates Act, the Council of the Law Society of Kenya makes the following Rules:—

**THE ADVOCATES (MARKETING AND ADVERTISING) RULES,
2014**

1. These Rules may be cited as the Advocates (Marketing and Advertising) Rules, 2014.

Short title.

2. An advocate shall not—

General conduct.

(a) unfairly apply for or unfairly seek instructions for professional business; or

(b) do or permit to be done in the advocate's name anything that may reasonably be considered as calculated to unfairly attract professional business.

3. An advocate shall not advertise the advocate's practice other than in accordance with these Rules.

Advertising.

4. An advertisement made under these Rules shall—

Manner of advertising.

(a) be objective, true and dignified;

(b) be respectful of the professional ethics of the profession; and

(c) not attempt to denigrate another advocate or the profession.

5. (1) An advocate may only provide the following information in an advertisement under these Rules—

What may be contained in an advertisement.

(a) the identity of the advocate;

(b) the identity of the advocate's firm;

(c) the date on which the advocate was admitted to the Roll of Advocates;

(d) the address and other contact information of the advocate or the advocate's firm;

(e) the hours of business of the advocate or the advocate's firm;

(f) the language of business used by the advocate or the advocate's firm;

- (g) the academic or professional qualifications of the advocate; or
- (h) any contribution that the advocate or the advocate's firm may have made to the preparation of a published legal article or a legislative Bill, or any contribution made by the advocate or the advocate's firm to legal education.

(2) An advocate shall not provide the following information in an advertisement under these Rules—

- (a) the name or the identity of a client of the advocate or the advocate's firm;
- (b) a picture of the advocate, the advocate's partner or partners, or another advocate employed in the advocate's firm;
- (c) academic or professional positions held by the advocate before that advocate's admission to the Roll of Advocates; or
- (d) a promise by the advocate or the advocate's firm to achieve a particular outcome for clients or prospective clients of the advocate or the advocate's firm or that failure to obtain that outcome shall constitute a waiver of the advocate's or the advocate's firm's legal fees.

6. (1) The Council may maintain a register of advocates who are specialists in any branch of law and such a register may classify advocates into each branch or speciality.

Register of specialists.

(2) If an advocate is recorded in the register under sub-paragraph (1), that advocate may state that fact in an advertisement made under these Rules.

7. (1) An advocate may advertise under these Rules in the following forms—

Forms of Advertisement.

- (a) in a non-legal or non-professional directory;
- (b) in a legal or professional directory;
- (c) in a website or other digital platform on the internet;
- (d) in the print media including in a newspaper, magazine, booklet, periodical or journal:

Provided that the advocate shall only advertise in a print medium up to four times in any given year and the advertisement shall measure not more than 0.210m x 0.297m; or

- (e) in the form of a plate or a plaque at the entrance to the advocate's or advocate's firm's ordinary place of business and the plate or plaque shall measure not more than 0.5m x 0.35m.

(2) An advocate shall not advertise under these Rules on radio, television or in the form of an illuminated billboard or placard.

8. An advocate who attends a conference, seminar or similar public activity may publish a paper, a circular, an article or a similar

Conferences, seminars, public activities, etc.

document but only by identifying that advocate by name and profession.

9. Where a person accuses an advocate or an advocate's law firm of professional misconduct under these Rules, the Council shall hear both the complainant and the advocate or the advocate's firm expeditiously and determine whether that advocate or advocate's firm has committed an act of professional misconduct under these Rules.

Council to rule on
conduct of advocate.

10. An advocate commits an act of professional misconduct under these Rules if—

Professional
misconduct.

- (a) that advocate or that advocate's firm fails to comply with these Rules;
- (b) that advocate uses an appearance at a conference, seminar or similar public activity for advertisement;
- (c) that advocate or that advocate's firm uses an intermediary to solicit professional business; or
- (d) that advocate or that advocate's firm makes false or misleading statements regarding information that should be provided under these Rules to solicit professional business.

Dated the 11th April, 2014.

ERIC MUTUA,
Chairman,
Law Society of Kenya.

APOLLIO MBOYA,
Secretary,
Law Society of Kenya.