

# HOUSE BILL No. 4079

January 28, 1997, Introduced by Reps. Crissman and Goschka and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 919 (MCL 600.919).

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 919. (1) The measure of the compensation of members of  
2 the bar is left to the express or implied agreement of the par-  
3 ties subject to the regulation of the supreme court.  
4       (2) ~~Any agreement for such compensation, or for reimburse-~~  
5 ~~ment of any expenses, incident to the prosecution or defense of~~  
6 ~~any claim by any party is wholly void if such professional~~  
7 ~~employment was solicited by the member of the bar, or by any~~  
8 ~~other person acting on his behalf or at his request, unless the~~  
9 ~~services of such member of the bar were first requested by such~~  
10 ~~party.~~ A MEMBER OF THE STATE BAR OF MICHIGAN SHALL NOT  
11 COMMUNICATE, OR KNOWINGLY PERMIT A COMMUNICATION TO BE MADE ON

1 THE MEMBER'S BEHALF OR ON BEHALF OF THE MEMBER'S FIRM, PARTNER,  
2 ASSOCIATE, OR ANY OTHER ATTORNEY AFFILIATED WITH THE MEMBER'S  
3 FIRM, IN AN EFFORT TO SOLICIT A PROSPECTIVE CLIENT FOR THE PUR-  
4 POSE OF OBTAINING PROFESSIONAL EMPLOYMENT IF BOTH OF THE FOLLOW-  
5 ING CIRCUMSTANCES EXIST:

6 (A) THE COMMUNICATION CONCERNS AN ACTION FOR PERSONAL INJURY  
7 OR WRONGFUL DEATH OR OTHERWISE RELATES TO AN ACCIDENT OR DISASTER  
8 INVOLVING THE PERSON TO WHOM THE COMMUNICATION IS MADE OR A RELA-  
9 TIVE OF THAT PERSON.

10 (B) THE ACCIDENT OR DISASTER OCCURRED LESS THAN 30 DAYS  
11 BEFORE THE DATE OF THE COMMUNICATION.

12 (3) A MEMBER OF THE STATE BAR OF MICHIGAN SHALL NOT ACCEPT  
13 REFERRALS IF THE MEMBER KNOWS THAT THE INITIAL CONTACT WAS MADE  
14 IN VIOLATION OF SUBSECTION (2).

15 (4) THIS SECTION DOES NOT PROHIBIT A COMMUNICATION MADE BY A  
16 MEMBER OF THE STATE BAR OF MICHIGAN IN RESPONSE TO AN INQUIRY  
17 INITIATED BY A PROSPECTIVE CLIENT, EVEN THOUGH AN ATTORNEY-CLIENT  
18 RELATIONSHIP HAS NOT BEEN ESTABLISHED.

19 (5) THIS SECTION DOES NOT APPLY TO A RECOMMENDATION OR  
20 REFERRAL TO A MEMBER OF THE STATE BAR OF MICHIGAN MADE BY A CUR-  
21 RENT OR FORMER CLIENT, FRIEND, OR RELATIVE AND RELYING ON THE  
22 REPUTATION OF THE MEMBER OF THE STATE BAR OF MICHIGAN, IF THE  
23 RECOMMENDATION OR REFERRAL IS NOT MADE FOR MONETARY REMUNERATION.