



IRANIAN AMERICAN LAWYERS ASSOCIATION

The first association of Iranian American attorneys in the U.S. - Established 1994

November 2004

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Dear Editor In Chief

Re: Advertisement guideline concerning non-lawyers

Dear Editor / Producer,

During the past couple of years, our organization has received numerous correspondence, e-mail and telephone calls from the Iranian community complaining of the harm they have suffered because of various false and / or misleading advertising of certain non-lawyers whose advertisement misleads the public into believing that the individual is a lawyer. These advertisements must specifically state that the advertiser is not an attorney, cannot employ an attorney and cannot render legal advice. Since this association directly or through prosecuting agencies like the California Attorney General's office or the US Attorney's Office intends to prosecute false or misleading advertisers as well as the media that knowingly accepts, prints, publishes, broadcasts or otherwise shows such advertisements, **this correspondence is coming to you as advance notice of what constitutes false or misleading advertisement.**

In case of a non-lawyer, it is illegal to print, publish, depict, broadcast or show advertisements that in any way, suggests, misleads or *implies* that a person or entity is a lawyer or a law office or owns a law office or that he/she/it employs "attorneys" or "lawyers" to represent "clients." An advertisement can *also* be suggestive or misleading when certain words must be stated to clarify the status of the advertiser and are not.

The advertisement or announcement of any non-lawyer who is providing services related or similar to the services of an attorney must state in **bold prints** (and via voice in TV & Radio) and in FARSI, that "**HE/SHE IS NOT A LAWYER, HE/SHE CANNOT EMPLOY LAWYERS, CANNOT OWN OR BE A PARTNER IN A LAW FIRM AND CANNOT RENDER LEGAL ADVICE.**"

Non-lawyers may not use words such as: "movakel", "vakil", "legal", "lawyer", "counsel", "counselor", "daftar-e-hoghoughi", "law", "hoghoughdan", "hoghoughdan-e-Irani", and/or any other same or similar word which is or may mislead the consumer. This includes the inclusion of these or similar words in FARSI OR ENGLISH.

IMMIGRATION CONSULTANTS MUST BE LICENSED:

Immigration consultants are required to make several disclosures, some in the written contract with the client and others by separate conspicuous notice AND IN ADVERTISEMENTS. Notably, an immigration consultant must make clear that he or she is not an attorney and may not perform attorney services. They may not use words or titles such as 'notary public,' 'notary,' 'licensed,' 'attorney,' 'lawyer,' or any other terms, in Farsi or English that implies that the person is an attorney in any document describing their services. (e.g., advertisements, stationary, letterhead or business cards)
[PLEASE SEE BUS. & PROF.C. § 22442.3; 22442.2.; 22443].



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PLEASE NOTE:

It is the unauthorized practice of law (and a misdemeanor) for a person who is not an active member of the State Bar (or otherwise authorized to practice law in California by statute or court rules) to hold himself or herself out as an attorney or entitled to practice law. [Giving legal advice and counsel constitutes *practicing* law.

[See Bus. & Prof.C. § 6126(a); *Bluestein v. State Bar* (1974) 13 C3d 162, 175, 118 CR 175, 183, fn. 13] See Bus. & Prof.C. § 6126(a); *Bluestein v. State Bar* (1974) 13 C3d 162, 175, 118 CR 175, 183, fn. 13]

Similarly, the preparation of legal instruments and contracts by which legal rights may be secured constitutes the practice of law. This includes the drawing of agreements, the organization of corporations and preparing papers connected therewith, and the drafting of legal documents of all kinds, including wills and trusts.

[*Smallberg v. State Bar* (1931) 212 C 113, 119-120, 297 P 916, 919; see also *Geibel v. State Bar* (1938) 11 C2d 412, 422-423, 79 P2d 1073, 1078--unlicensed persons drafted 'benevolent trusts' for a fee] [*People v. Merchants' Protective Corp.* (1922) 189 C 531, 535, 209 P 363, 365]

Accordingly, you must IMMEDIATELY cease and desist from printing, showing, airing, broadcasting, displaying, disseminating, publishing or otherwise making such advertisement available to the general public unless and until the ad fully complies with California State and Federal law. **FAILURE TO COMPLY MAY SUBJECT YOU AND YOUR BUSINESS TO CIVIL AND /OR CRIMINAL LIABILITY.**

This association is committed to prosecute all persons or entities that violate the above stated rules. Should you have questions, comments and/or concerns or if you may need further clarification or ASSISTANCE, please feel free to contact the undersigned or the Association's president. We will assist you free of charge to make sure you and your advertisers are in compliance with the aforementioned rules, laws and regulations.

Very truly yours,

IALA Board of Directors