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November 26, 2008

Via E-Mail: mobar@mobar.org

The Missouri Bar
326 Monroe
P.O. Box 119
Jefferson City, MO 65102-0119

Re: Proposed Changes to Lawyer Advertising Rules

Dear Sir/Madam:

Thank you for the opportunity to comment on the Missouri Bar Special Committee on Lawyer Advertising's proposed amendments to the Missouri Rules of Professional Conduct with respect to lawyer advertising.

I am General Counsel to the Yellow Pages Association. The Yellow Pages Association is an international trade association representing the interests of Yellow Pages publishers, certified marketing representatives that sell Yellow Pages advertising, and suppliers to the industry. The Association represents print and internet Yellow Pages publishers that account for the vast majority of Yellow Pages advertising sales in the United States.

The members of the Yellow Pages Association are proud to be able to serve the needs of Missouri citizens in obtaining legal services from members of the Missouri Bar. The dissemination of complete, truthful information regarding the availability of legal services is clearly in the public interest. Accordingly, the Yellow Pages Association is concerned with any proposal that would impose an undue burden on the commercial speech of Missouri attorneys, particularly where, as here, the proposed rules seem to be a "solution" in search of a problem.

The proposed amendment to Rule 4-7.2(c) imposes gratuitous filing requirements on attorneys with no demonstrable public benefit. Attorneys are already required to retain advertising for two years. A filing requirement adds nothing but expense to all concerned. Likewise, overly proscriptive disclosure requirements, such as those found in the proposed amendment to Rule 4-7.2(g), are not calculated to eliminate confusion. Instead, they are more likely to encourage viewers or listeners to "tune out" the disclaimer.

I encourage the Missouri Bar Special Committee on Lawyer Advertising to reexamine the proposed amendments to the Rules of Professional Conduct with an eye towards encouraging the dissemination of truthful information about Missouri attorneys, rather than imposing restrictions that may meet the perceived commercial interests of some of its members, while doing nothing to advance the public interest in the free flow of information regarding the availability of legal services.

C o u n s e l o r s A t L a w

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The Missouri Bar
November 26, 2008
Page 2

Thank you for your consideration.

Very truly yours,

William J. Champion III

WJC/jkt

cc: Ms. Amy Healy, Yellow Pages Association