



**1009 S. BROADWAY
WICHITA, KS. 67211
P: (316) 262-3445 | F: (316) 262-3837
slapehoward@slapehoward.com**

PHILLIP B. SLAPE
pslape@slapehoward.com

JONATHAN VOEGELI
jvoegeli@slapehoward.com

**TO: Rep. Sean Tarwater, Chair
Members of the House Commerce, Labor & Industry Committee**

**FROM: Jonathan Voegeli, Law Offices of Slape & Howard, Wichita
Individually and on behalf of firm**

DATE: March 10, 2022

RE: Attorney Advertising– SB 150 As Amended by Senate (OPPOSE)

Chairman Warren and other esteemed members of the Senate Judiciary Committee,

My name is Jon Voegeli and I am a partner at the law firm of Slape & Howard, Chtd. in Wichita, KS. I write you today in opposition of Senate Bill 150 as Amended by the Senate and appreciate the opportunity to testify before you today.

Our firm has had almost 40 years of experience representing Kansas workers. We have been advertising for just as long. We have always viewed our advertising as a chance to help inform working Kansans of their rights under a very complicated workers' compensation system. When we reach out through our advertising, we view it as an opportunity to show working Kansans that their health and well-being is protected under the laws of our State, regardless of what anyone else may have told them.

First, all attorney advertising is already regulated by the Kansas Disciplinary Administrator's Office. When we advertise, we have always been aware that the Kansas Rules of Professional Conduct clearly outline standards for attorney advertising, and that we have to abide by them in all of our advertising. These standards have been implemented by the American Bar Association and establish clear guidelines to prevent those in the legal profession from making false or misleading claims. In addition, these standards mandate the identity of the responsible attorney or firm be prominently displayed. Not only are we held to higher standard in what we say, we must let the public know who we are when we say it.

Next, when attorneys comply with these rules and requirements, regardless of the type of law they practice, the Supreme Court has found that they are protected under the First Amendment of the United States Constitution. When other states have implemented bills of this nature, it has

only resulted in prolonged court battles that ultimately result in the bill being disregarded in its entirety.

Last, SB 150 looks to place the regulation of attorney advertising under the Attorney General's Office, and ultimately act as a gateway to seek criminal penalties for advertising. Not only would this place an undue strain on our already overworked judicial system, but the Kansas taxpayer would end up footing the bill for it. And for what? To regulate a system that is already regulated? To fund and implement a system that is likely unconstitutional?

I understand that the legislators who composed SB 150 have the interests of Kansans at heart, but I believe that these good intentions may have overlooked the facts I am presenting to you today. Not only are we already regulated in our advertising, but when we comply, that advertising is protected free speech. I can't help but to think that this is a bill that is looking for a problem to solve when that problem has already long since been addressed.

Thank you for your time,

Jon Voegeli
Slape & Howard, Chtd.