

# WHAT YOU SHOULD KNOW ABOUT ATTORNEY ADVERTISING

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## **WHAT YOU SHOULD KNOW ABOUT ATTORNEY ADVERTISING**

You know that lawyers advertise. As you look through any yellow pages you see the ads placed by attorneys. What you may not realize is that they all say about the same thing. Most of them do not contain any good useful information that would make it possible for you to make an informed decision on how to hire a good lawyer for your case. All the yellow pages are is a place to get names of attorneys. In other words, the yellow pages are a good place to start.

Not all television commercials you see are written specifically for the lawyer that they advertise for. There are media companies that sell prewritten and pre-shot TV commercials for personal injury attorneys. They have famous actors like Robert Vaughan, William Shatner or Eric Estrada in them.

Other times an attractive man or woman is shown speaking behind a desk or holding a legal book or doing something else to act like a lawyer. The person says something like, "If you've been in an accident, get the money you deserve. Speak to an attorney for free. Call 1-800-XXX-XXXX." Many of these commercials are actually services offered for purchase to attorneys. Several attorneys in a geographic area are contacted and given the opportunity to pay XXX\$ per month to buy into the program. When a call about a case comes in it is routed to a call center that will send your call to the next attorney "in line". This is not an attorney that is matched to the facts of your case; it is just the next attorney in the rotation. The next one "in line" is an attorney who paid the fee to be on the "list". Any attorney with enough money can pay to be on the list, including attorneys who have never tried a case in Court. Many times the attorney who has paid the fee is not necessarily the most experienced lawyer for your case. Some attorneys that advertise on television are excellent attorneys. However you should not rely on TV advertising alone when choosing a lawyer. Do your homework to make sure you pick the best attorney for your case.

Most people are not aware of the following about lawyer advertising:

- There is not a rule requiring a lawyer to have experience in the area of law in which the lawyer is advertising.
- The Kentucky Bar Association (KBA) has rules that govern lawyer advertising. The KBA, however, does not have any guidelines to determine if the lawyer who advertises has experience with the type of case being advertised. The K. B. A. does require the attorney to have continuing legal education (CLE), but this is general in nature and can be in any area of law the lawyer chooses. It does not have to be related to an area of law that he practices for the credit to apply. This means a lawyer can advertise for divorces or personal injury when that lawyer may have little experience in that area of law.
- Any attorney can buy an advertisement in the yellow pages. The more money you spend the bigger the advertisement. The lawyer with the most consecutive time buying a particular size ad is typically in front of that section of the phone book.
- A lawyer you see advertising will not always be the lawyer that will be handling the case. Some lawyers will run advertisements and then refer the case out to other lawyers. Be especially cautious of ads placed by out of state attorneys. Watch for the disclaimers in these ads (i.e. work may be performed by another lawyer).
- A lawyer who purchases full page ads in the yellow pages or pays for slick T.V. commercials, does not necessarily mean that the lawyer is successful. Some lawyers who pay for such advertising operate a “volume practice” for the purpose of making just a little money on the numerous cases that are generated from the ad.
- Some lawyers who run big ads to fill their “volume practices” will rarely even work on a case. These lawyers map out every aspect of the case to a paralegal or legal assistant or other lawyers working for that attorney. The only time the lawyer may

even look at your case is after it has settled and the lawyer wants to collect his fee!

- Sometimes the lawyer's advertising can have an adverse effect on your case. If your case goes to trial and jurors recognize your lawyer from his advertising the way the lawyer advertises may affect your lawyer's credibility during trial and the verdict that is awarded. Do you want jurors to remember your lawyer as the one who can get "BIG MONEY DAMAGES" or "FAST SETTLEMENTS" for pain and suffering? Jurors watch television, too.