

LAWYERS AND ADVERTISING



It used to be illegal for lawyers to advertise on television but as the economy continues to struggle, more and more lawyers are spending money to advertise on TV, the radio, and on billboards. The majority of lawyers practicing today were raised on MTV, too young to remember when TV was not littered with attorney ads. Lawyers are using television to reach potential new clients more often now, especially with a lot of people out of work, in an effort to help them file lawsuits against employers for wrongful termination and other problems at the job. "Frankly, a lot of times you see an attorney and it's blah, blah, blah ... you don't even remember who's talking," said Culpepper, a Florida native and former defensive tackle for the Tampa Bay Buccaneers. "We get all kinds of responses to the ads. But I tell you one thing: People notice them." Legal television ads in Florida must follow rules set forth by the Florida Bar Association. These rules include using no celebrity spokespeople in the ads and no sound effects aside from background music, which must be instrumental. The Florida Bar Association keeps track of every legal ad application and whether or not it is approved. The FBA also keeps track of why an advertisement has been rejected or why it has been approved in an effort to make sure all law firms are following the rules. "There definitely has been an increase in lawyer advertising," said Elizabeth Tarbert, ethics and advertising counsel at the Florida Bar in Tallahassee. "We see more ads for things like bankruptcy, loan modification. That's connected to the economy. And with personal injury lawyers, people who rely on having a lot of cases run through their practice, they may have more of a need to advertise." From 2006-2007, there were 1,038 applications for television ads and radio ads. From 2010-2011, the number of applications increased to 1,890, which is good for an 82 percent rise. Over that same period, the number of members with the bar increased only 12 percent to 91,000. "The categories are broader — they'll talk about Social Security, disability, taxes foreclosure — genres beyond people in a car wreck," Rich Pegram, the general manager of Tampa ABC affiliate WFTS-Ch. 28, said. "I think a lot of it is competition. If your competitor is on, you have to be here, too." John Morgan, an Orlando lawyer, claims he spends close to \$25 million per year on advertising even though he owns a media company responsible for advertising attorney spots. "When I opened up an office in Naples, I was spending \$1 million a year, I was on the air three months and didn't sign a single case," Morgan said. "Most people either don't have the patience or don't have the money or don't have the nerve to do this right."

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