



Truth in Advertising

If you want to better understand the public's general disdain for lawyers, stay home from work tomorrow and turn on the television.

Hour after hour, commercial after commercial, if your neck hurts, or if you are a deadbeat or a pervert or just plain broke—have we got a deal for you.

There you will enter the sketchy world of legal advertising, where licensed attorneys and their surrogates play used-car salesmen in order to get clients in the door.

You can see drunks read the teleprompter (better than they recited the alphabet on the side of the road), proclaiming they are so satisfied with their lawyer that they are recommending him to

other drunks. You can catch an attorney brag about how he is available for a substantial discount—just like the guy who will fix your windshield at the car wash.

Hour after hour, commercial after commercial, if your neck hurts, or if you are a deadbeat or a pervert or just plain broke—have we got a deal for you.

None of this seems very professional, yet our profession allows it. Partly this is due to that pesky Constitution of ours and the fact that we can't regulate good taste. But there are some important changes we could enact if we had the will to do so.

I propose two specific rules that would, consistent with the Constitution, upgrade our profession and protect legal consumers from what currently borders on fraud.

First, no lawyer should be able to advertise for legal services that he cannot provide himself. Many of the lawyers who advertise will refer out cases that are complex or cannot be settled quickly, taking one-third of any fee eventually recovered. Many advertising personal injury lawyers rarely, if ever, try cases to juries. But you would never know these things from their ads. The legal consumer reasonably believes that the advertising law firm

can and will handle the case itself. Consumers believe they are hiring a lawyer, not a broker.

Second, then, lawyers should get out of the brokerage business. Many states prohibit the paying of referral fees between lawyers. If Arizona would do the same, many of the current advertisers would have to change their ways. They would actually have to competently perform the legal services they solicit or cease advertising for them. If a lawyer does real work on a case, he should be able to participate in a reasonable, proportionate fee. However, getting paid simply for the referral seems unprofessional and encourages what amounts to deceptive advertising.

These are two simple changes that could begin to help change our image.

We can't regulate good taste. But we can require that lawyers who advertise not deceive the public by pretending to be and getting paid for being something they are not. **AZ**



Grant Woods

Grant Woods is a trial lawyer in Phoenix emphasizing complex litigation, plaintiff's personal injury, and government relations. He was Arizona Attorney General from 1991 to 1999.

Opinions in the magazine are those of the authors and not necessarily those of the State Bar of Arizona, its Board of Governors, the Editorial Board or staff.

The magazine provides an open forum for readers.

Send your own viewpoint or letter to
Tim.Eigo@staff.azbar.org.