

NYSBA Sponsors Radio Ad on Lawyer Advertising

BY LAZAR EMANUEL

The NYSBA has unveiled a new radio campaign addressing three important law-related issues: the misconception that more lawsuits are being filed than ever before; the importance of our constitution as a cornerstone of our free society; and the proliferation of lawyer advertising. The radio announcements were recorded by New York State Bar Association President, A. Vincent Buzard (Harris Beach PLLC), and will air for four weeks beginning November 7th and ending December 4th 2005.

The campaign is entitled, "Beacon of Justice" and is sponsored in cooperation with the 250-member stations of the New York State Broadcasters Association. This is the NYSBA's seventh radio campaign over the last three years.

The script for the third announcement – dealing with “the proliferation of lawyer advertising” – will be of special interest to NYPRR's readers:

This is Vince Buzard, President of the New York State Bar Association. Do you feel bombarded by lawyer advertising? Here's some advice. If you need a lawyer, ask another lawyer for a recommendation. Or ask friends, or business associates, or call the State Bar Association for a referral. Attorneys have a constitutional right to advertise, but billboards and the Yellow Pages don't necessarily provide the information you need. A message from the New York State Bar Association in cooperation with the New York State Broadcasters Association.

Lawyer advertising in New York has become the focus of several current studies. Earlier this year, Chief Judge Judith S. Kaye appointed a committee of the Administrative Board of the Courts to study whether the disciplinary rules controlling lawyer advertising needed to be tightened. The committee has not completed its study. On November 5th, the NYSBA's Task Force on Lawyer Advertising presented a comprehensive 130-page report to the State Bar.

The NYSBA's Task Force examined over 100 print ads (equally distributed over the four Departments), as well as 27 TV and radio ads. Working from a checklist of questions testing each ad's compliance with the disciplinary rules, the Task Force concluded that about one-third of the ads were deceptive. Only two of the 26 advertising contingent fee arrangements contained the necessary disclaimer as to costs and expenses required by DR 2-101(L). In the eight ads in which the lawyer claimed to be a “specialist”, the disclaimers required by DR 2-105(C) were omitted. Most of the ads neglected to list one of the elements required by DR 2-101(K), i.e., the advertiser's name, address and phone number.