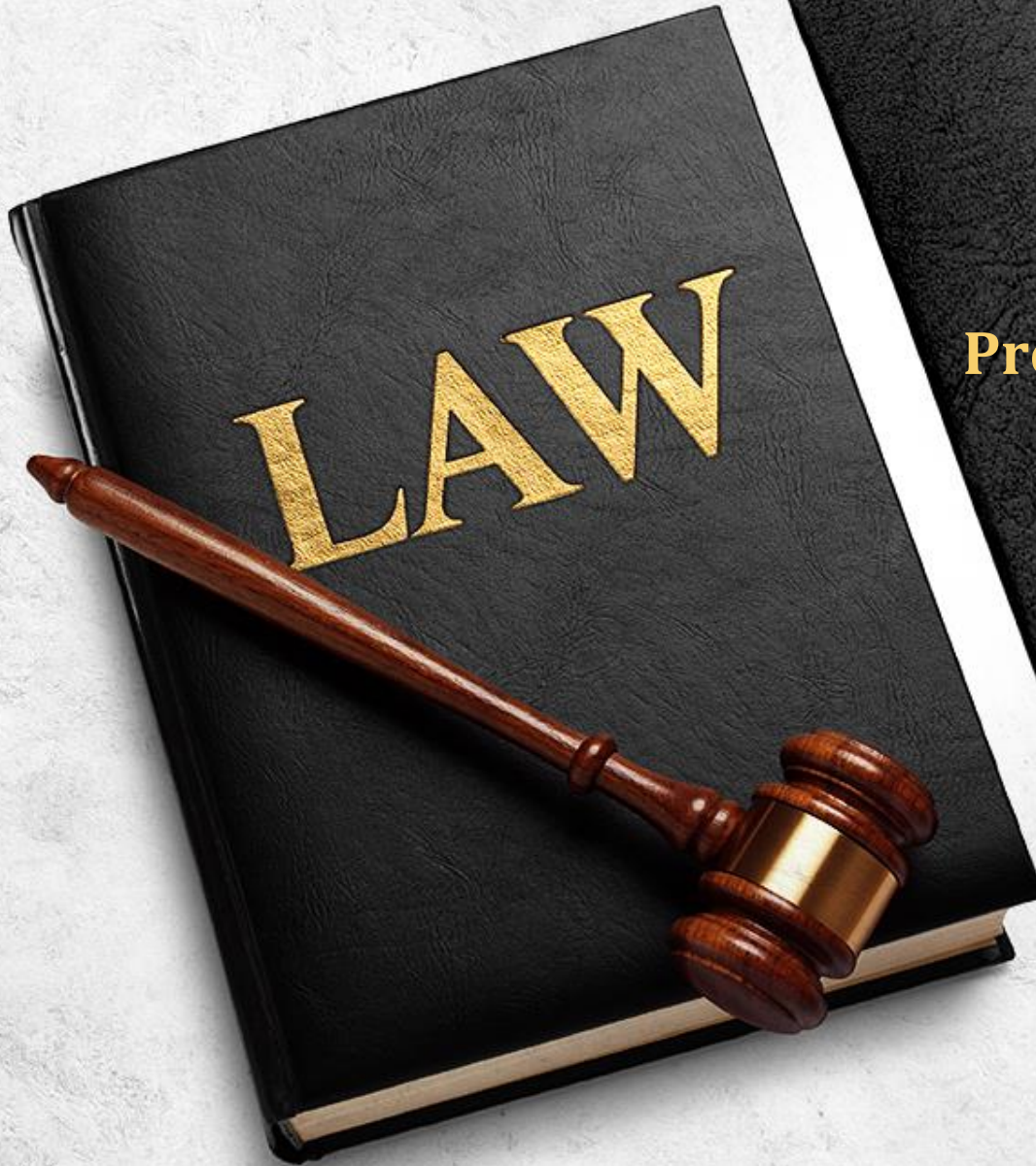


# Legal Ethics

## Lecture 13

Prof. Marvin Longabaugh

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# Lawyer Advertising

- **Overarching principle**

- Lawyer advertising is disliked by the law establishment. However, there are First Amendment issues that do not allow the outright banning of such advertising.
- First Amendment Rule: A state may not ban lawyer advertising as long as it is honest and not misleading, but it may fairly regulate it (lawyer advertising is “commercial speech”).

- **Rules that apply to Attorney Advertising**

- Must not contain any false or misleading information
- Must not create unjustified or unrealistic expectations
- Must not make comparisons or claims that cannot be verified or substantiated
- Must not claim to be a “specialist” in an area unless the lawyer is certified in that area; the attorney must identify the certificate and the certifying organization in any such advertisement



# Communications About Legal Services

- Advertising and Other Public Communications
  - Truthful information
  - Misleading information
  - Permitted information to be communicated
  - Required information to be communicated

**AN HONEST ATTORNEY**  
(but not enough to hurt your case).

- **CRIMINAL DEFENSE**
- **DIVORCE/CUSTODY/  
GUARDIANSHIP**
- **REAL ESTATE**

**RUTH A. WARNER, ATTY.**  
102 SW 332nd St., Suite 1303 Federal Way  
EVES./WEEKENDS FOR APPOINTMENTS

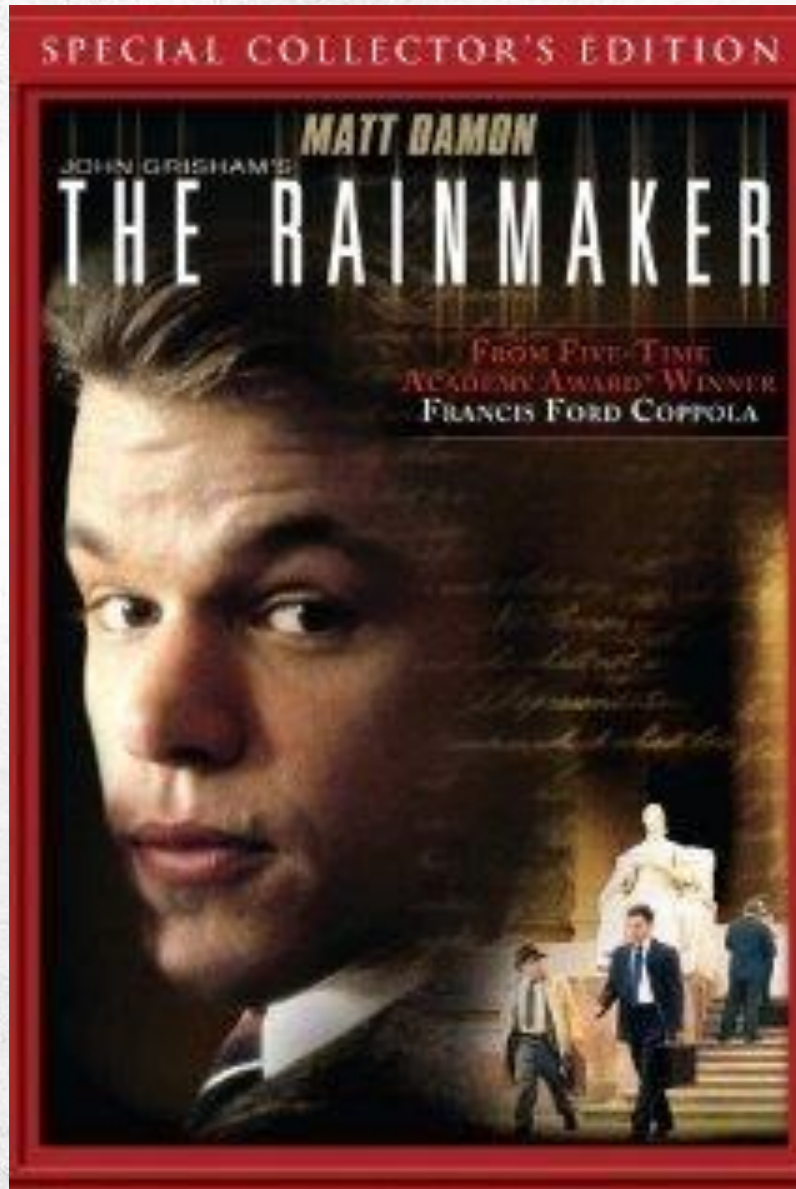
 (253) **838** [REDACTED] SEA.  
 (253) **927** [REDACTED] AC.



# The Rainmaker (1997)

M\_Rainmaker\_07

4



# Solicitation of Clients

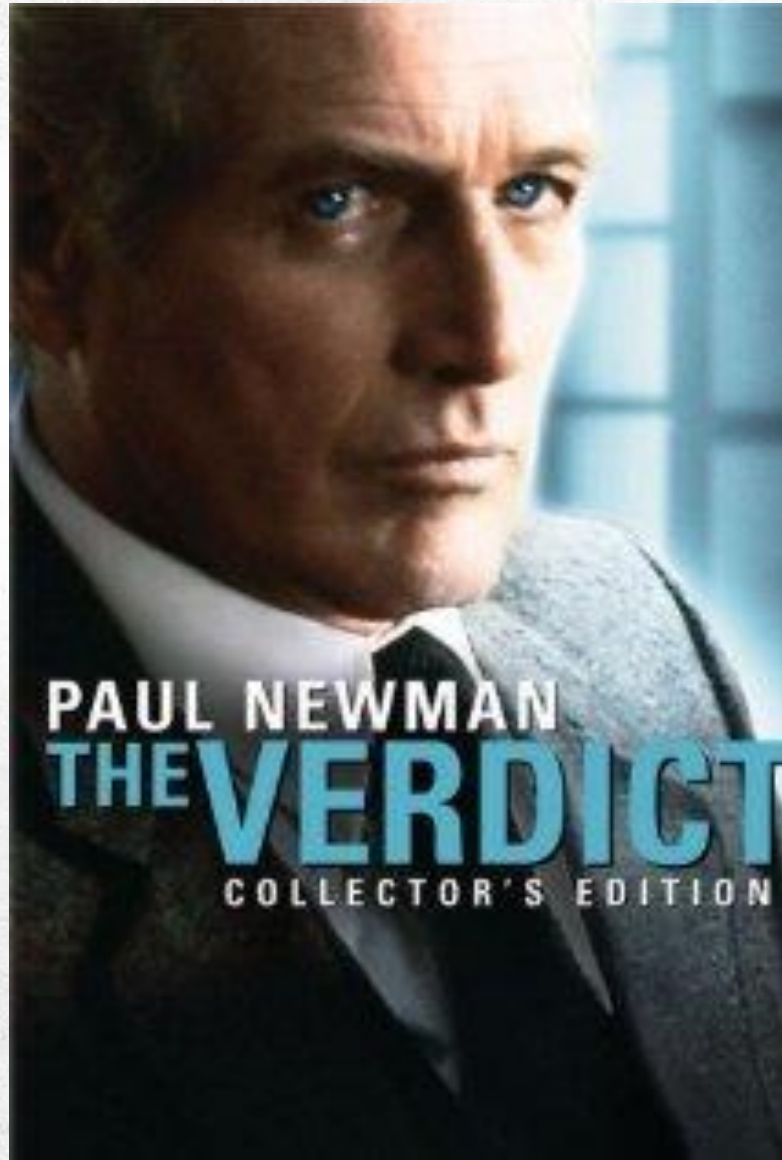
- **Rules** (again based on the balancing test between protecting client and freedom of speech):
  - In person solicitation of strangers is not allowed
  - In person solicitation is allowed if:
    - The potential client is a relative or friend
    - The potential client is a past client of the attorney
  - Mailing general advertisements are governed by the same rules as advertising
  - Targeted mail to people whom the lawyer knows suffers from a particular legal problem is allowed, so long as:
    - The mail is true and not misleading
    - It is clearly marked “Advertising Material”
    - It does not violate any of the other advertising rules



# The Verdict (1982)

M\_Verdict\_07

6



# Quick Quiz



# Online Referral Programs

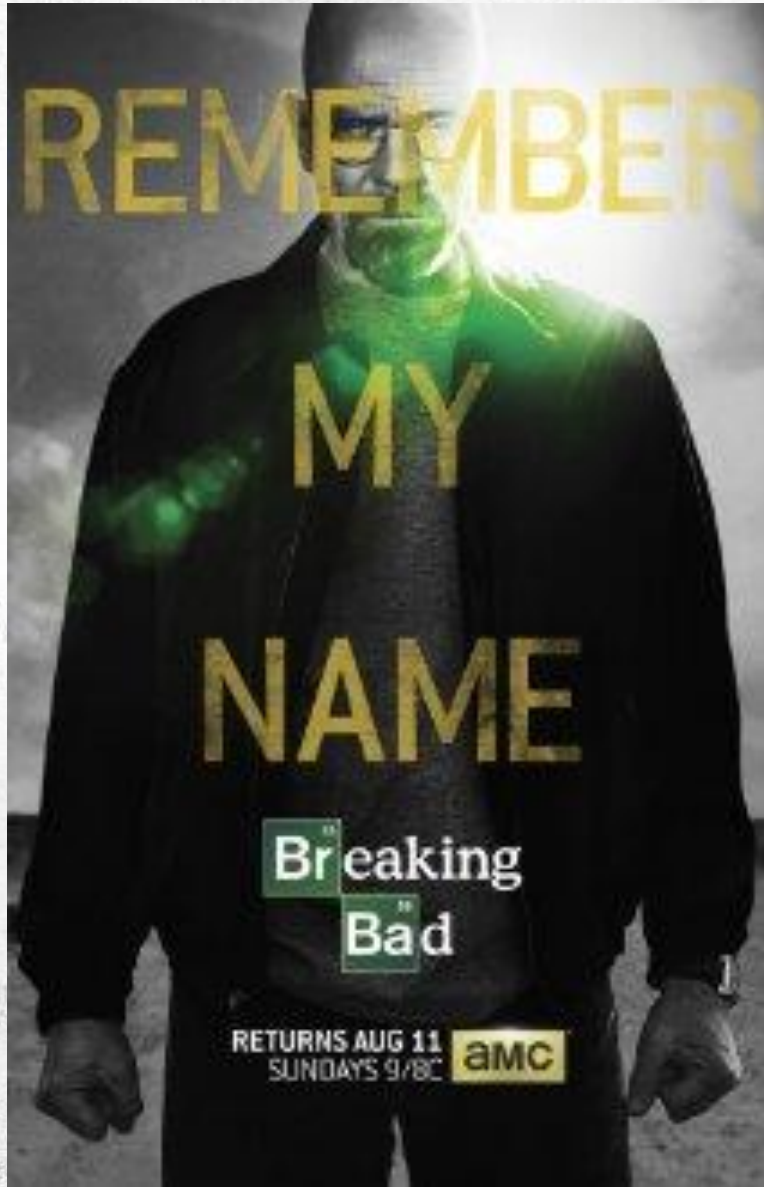
- Features
  - Pay a service fee to get leads
  - Some include bidding on services
  - Some are referrals from a subscription-based website to the attorneys
  - Attorney-client matching websites
- Potential Ethical Violations
  - Model Rule 7.2(b): A lawyer shall not give anything of value to a person for recommending the lawyer's services.
  - Advertising in a state in which the attorney is not licensed!
- Solution: Be clear in message to clients!





# Breaking Bad (2008-2013)

TV\_BBad\_S2E08\_03



# End Of Class Review Quiz

10

**THE  
BIG  
QUIZ**



# The End

