



Lawyer advertising: A. reaches new heights or B. sinks to new depths

From TV to Web sites to car wraps, attorneys find myriad ways to differentiate themselves

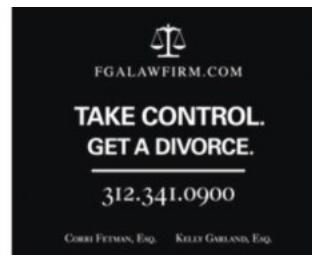
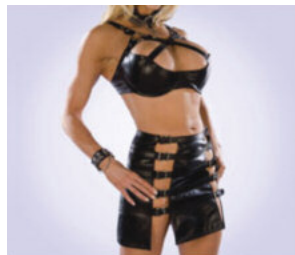
BY ANAYAT DURRANI

Every insomniac has seen them. Those late night lawyer ads with an overeager attorney standing before a bookcase in a law library proclaiming, “I will fight for you.” Lawyers are finding ever more creative means to advertise their services to potential clients. From gigantic billboards to auto wrapping to humorous (or obnoxious) television ads – welcome to the brave new world of lawyer advertising.

The national and state bar associations prohibited lawyer advertising until 1977 when the U.S. Supreme Court ruled that such advertising was entitled to First Amendment protection. Bar associations were concerned that the ads would only hurt the legal profession and perpetuate the ambulance chasing, greedy-lawyer stereotype.

“The seminal case permitting lawyer advertising, *Bates v. State Bar of Arizona* (1977) 433 U.S. 350, did so on the basis of free speech commercial speech – but the second and in my opinion far more important justification was that consumers need to know where to find lawyers,” said attorney Diane L. Karpman who heads Karpman & Associates, a legal ethics firm in Beverly Hills, Calif.

“Not being able to have a lawyer means that you can’t enforce your rights, disengage from a disastrous marital relationship, or exercise your constitutionally guaranteed freedoms,” she said. “Those needs first articulated by the U.S. Supreme Court in the ‘70s are all the more important today.”



A Chicago-based divorce attorney & her personal trainer posed for this provocative billboard.

New frontiers

Since it was unleashed in 1977, lawyer advertising has taken off into new frontiers. YouTube is a treasure trove of the good, bad, and tacky lawyer ads. There are even blogs and Web sites that document the worst lawyer ads ever. One of the ads getting the most mention is by personal injury lawyer Lowell “The Hammer” Stanley, whose catchphrase is “I am the Hammer! They are the Nails!”

Then there’s divorce lawyer Steve Miller, who calmly states in his commercial: “If you and your spouse hate each other like poison” or “if you want to get out of the hellhole you call a marriage,” call him. Miller urges viewers to seek his services to get a divorce from “that vermin you call a spouse.”

Television lawyer ads are a dime a dozen, but some firms are trying to separate themselves from the pack with new and creative approaches. The New York law firm of Trolman, Glaser & Lichtman uses humor in their TV ads to make fun of the typical lawyer commercials on late night TV. An ad called “Machete” by the Levinson Tractenberg Group, an inde-

pendent agency in Manhattan, begins with a woman sitting at a kitchen table saying, “The pain was excruciating: It’s like I had this huge, really sharp machete chopping down on me every time I tried to move.” She then goes on to say, “It was the worst paper cut I ever had – they made that paper way too sharp.” Lifting her hand to show a bandaged index finger, she implores the viewer, “Someone has to pay.”

The screen then reads, “There are some cases even we can’t win,” and the voice-over concludes, “If you’ve been injured, call us. But keep in mind: you really need to be injured.”

Kevin Underhill, a partner in the San Francisco office of Shook, Hardy & Bacon, runs a popular blog called “Lowering the Bar”. On one section of his blog he has an Attorney Ad Gallery devoted entirely to some of the more curious and interesting lawyer ads out there. One of these ads includes one by self-described “Heavy Hitters” Alexander & Catalano, a personal injury law firm. The ad features both lawyers standing near a gigantic Transformer-like, fire-breathing robot. Their closing tagline: “Injured in a car wreck? Call us and we’ll end the nightmare,” which is



immediately followed by a jingle giving their phone number.

Underhill said while some of the ads he's come across could definitely be classified as tacky and don't improve the image of the legal profession, others are "perfectly fine" – even humorous and creative.

"Personally I would be more likely to hire a firm like (New York's) Trolman just because they approved well-written, well-produced and funny ads. That makes it seem like they would be pleasant to work with and that they are willing to put the time and effort into something that may be necessary to do a good job," said Underhill. "A tacky late-night ad does not inspire a lot of confidence."

Underhill does concede that even tacky advertising can foster competition and provide information to consumers, something many lawyer-advertisers argue. He said some people need a lawyer for smaller matters and may not be able to afford a firm that has the budget to pay for the larger ad campaigns.

"I still would be reluctant to hire lawyers that use fire-breathing robots in their ads, but clearly some people aren't," said Underhill. "And some say that there's no such thing as bad publicity."

No such thing as bad publicity

Chicago-based divorce lawyer Corri Fetman of the all-female firm Fetman, Garland & Associates received a lot of publicity, both good and bad, after an ad campaign she did. The ad, which featured both Fetman and her buffed personal trainer in their underwear in May 2007 on a billboard, had the caption: "Life is Short, Get A Divorce." It was followed by a second billboard featuring her backside in a g-string, with the same caption, on mobile trucks that traveled to different neighborhoods in Chicago in June 2007. In January 2008, along with her Playboy magazine photo spread, she released an even more provocative ad featuring a bondage theme with Fetman dressed as a dominatrix and her trainer as a master, with the caption: "Take control. Get a divorce."

In an interview with Benchmark magazine, she said the ad campaign was about "making personal choices that lead to happiness" and "living your best life" since life is short. She said the campaign was also intended to make her firm a household name when it comes to divorce services. "The ad campaign can be defined as a success because it accomplished both of these purposes."

An all-female law firm in Buffalo, N.Y., Schröder, Joseph & Associates, got a lot of media attention after its creative advertising campaign. One ad read: "Ever Argue With A Woman?" and another read: "Labor Pains? Talk to us. (we're women ... we get it.)" A third ad reads: "Advice, Protection, Guidance and Support ... When it comes to our clients, let's just say our maternal instincts take over." The ad campaign focused on the firm's representation of employers on issues related to employee benefits, labor and employment.

"The overarching theme is that the ads can't be false, deceptive or confusing. How those simple ideas are interpreted leads to massive confusion," said Karpman, the ethics attorney. "All lawyer communications fall within the penumbra of advertising regulations. Where we once communicated with clients via the pony express, snail mail, FedEx and fax, now it's with e-mail and YouTube. It doesn't matter. The content must be honest."

Truth in advertising

Attorneys are allowed to truthfully advertise routine legal services but that advertising is subject to California Rule of Professional Conduct 1-400 and the rules of other states in which their services are marketed. California requires attorneys to submit their TV and Internet ads for review by the state's bar association. Attorneys are expected to retain records and copies of all advertising materials for two years.

Underhill said lawyers have First Amendment rights to use truthful advertising just as anyone else and "when peo-

ple exercise those rights you are going to end up with a wide range of communications." He adds that, while some of those ads may not be liked by other lawyers, "I don't think we can generalize and say they hurt the profession as a whole."

San Francisco-based Hanson Bridgett put out a unique ad to bring attention to their firm. Called "The Law Accordion to Hanson Bridgett," the ad features members of the firm walking down Market Street in lederhosen and knee-highs playing the accordion and drums.

"The thing I dislike most about lawyer ads is that most of them are all about how great the firm is. And they all spell everything out," said Andrew Giacomini, Managing Partner at Hanson Bridgett. "Our video spelled nothing out, so it stood out from the pack for a time because everyone wanted to know what it meant."

Giacomini is featured in the ad playing the bass drum and wearing lederhosen. He said the video was done to launch their new logo and branding. They also used social media strategies to spread the word.

"Most of our ads focus on our clients and use testimonials," said Giacomini. "We do some radio ads, sponsoring the San Francisco Giants and the Warriors, with a simple line: 'Lawyers you'll like.'"

TV ads

Any number of advertising agencies specialize in developing television ads specifically for law firms.

"We feel that the most successful lawyer TV campaigns include a powerful and compelling branding message along with a strategically placed media buy," said law firm marketing specialist Loni Liss, president and CEO of Pennsylvania-based Legal Communications Group, Inc. (LGC). "While conveying a strong yet simple message, the creative must be of the highest production quality. A successful lawyer TV campaign will convey the problem versus solution. The problem is the injury, the solution is the attorney."



In San Francisco, the partners paraded in lederhosen. Why?



A travelling billboard in Texas

Riding the Internet highway

The Internet provides a range of possibilities for lawyer advertising. As reported in the ABA Journal, a North Carolina lawyer chose the popular social buying site Groupon as a means of attracting new customers. Craig Redler of the Law Offices of Craig S. Redler & Associates, LLC posted a deal offering \$750 worth of legal services for a will and durable power of attorney for \$99, an 87 percent discount. Redler told the ABA Journal he cleared his Groupon offer with state ethics regulators before it ran.

The North Carolina State Bar Ethics Committee reviewed the issue and released the following statement: “The Ethics Committee recently approved

participation in a barter exchange program in which members of the exchange pay a cash transaction fee of 10 percent on the gross value of each purchase of goods or services.” The Groupon model is negotiated on a case-by-case basis and, “is a percentage of the amount actually paid to the lawyer and appears to constitute revenue sharing with a non-lawyer.”

Redler said that although he lost money from people getting service through the Groupon deal, the ad brought in a lot of new clients seeking other legal services. He has since received many calls from other lawyers asking how well it worked.

Riding the wave in a Suburban

Mobile Ads or auto wrapping is becoming popular among some lawyers. It used to be just business cards, yellow pages, annoying commercials and social media. But some lawyers are taking it up a notch. California-based bankruptcy lawyer Lorene Mies turned her black Cadillac SUV into a traveling commercial for her law practice. The car is covered with details about her firm and its Web address, thebankruptcyminute.com.

Then there’s Dallas-based personal injury lawyer Jeff Weinstein, also known as the Longhorn Lawyer, who decided to advertise on his then four-year-old Chevy Suburban that already had 100K miles on

it. He said he contacted a graphic artist friend and asked him “to think as far outside the box as he can without non-prescription drugs and come up with a design.” Through a wrap company in Dallas called Skinz Wrap, his old Suburban was in business and ready to go.

“The finished product is my old Suburban, now on almost 300k miles with people taking pictures of it,” said Weinstein.

He has since bought a new Suburban because he likes “the new car smell.” He gave his mobile ad car to a friend in need of a car a couple of years ago and his friend has been driving it around ever since. He said the reactions are almost always positive.

“My wife was worried people wouldn’t hire us because of the Longhorn Lawyer theme. If that’s the reason they don’t hire us, so be it,” said Weinstein. “I would tend to believe you might think this guy has a little more moxie than the next guy and consider us regardless. Either way, it was done to promote our business.”

He said he’s not sure how many people hire them or don’t hire them based on the wrapped vehicle but he knows it gets people talking. He adds, “Considering top of mind awareness, it seems to make good sense to do things that other lawyers are not doing.”



A fire-breathing robot with some “heavy hitter” lawyers.



Educating the community

Weinstein said his firm also advertises on television in the Dallas/Fort Worth market, the radio, several yellow page books, the Internet, and participates in local civic programs. One of the organizations they work with includes the non-profit No to Distracted Driving. They also put on free seminars for civic organizations and high school students discussing the dangers of driving while using a cell phone, either talking or texting.

"I don't think being a good steward of the community is creative. I think it's our obligation as lawyers to help people in every area we can," said Weinstein. "Our mission is to help people who have been harmed by the wrongful acts of others and to educate people on safety matters in order to prevent injuries that need not occur."

"We believe that clients are better served by learning about the services we provide and what we do to help them rather than coming into a lawyer-client relationship with blinders on," said Weinstein.

Who wins the booby prize?

As someone who documents the more "unique" lawyer ads on his "Lowering the Bar" blog, Underhill is an unofficial expert on the subject of taste. So when it comes to lawyer advertising, whose ads are the tackiest?

"That is a very tough call," said Underhill. "In general, I'd have to say personal-injury lawyers, just because of the prevalence of late-night – and mid-afternoon – cheesy advertising. But there certainly have been some horrible divorce-lawyer ads."

Taste aside, is it worth the cost? "Whether print and media advertising is cost-effective is a difficult question, but it's part of the equation for many lawyers and I think there's nothing wrong with that," said Underhill. "Though I would still avoid fire-breathing robots."



Durrani

Anayat Durrani is a professional freelance journalist with a Master's degree in Journalism and International Relations. A versatile writer, her work has been featured in publications worldwide, including Cairo's Al-Ahram Weekly, California Lawyer Magazine, Caesar's Player magazine, and 944 magazine, among others.

