
BUYER BEWARE

What You Need To Know About Lawyer
Advertising

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WHAT YOU NEED TO KNOW ABOUT LAWYER ADVERTISING

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You need to know a few things about lawyer advertising. For example, if you look through the yellow pages you'll see that the ads placed by attorneys all say essentially the same thing. Very few of them actually give good useful information to make it easier for you to choose a good lawyer for your case. Although the yellow pages are a good place to get names of attorneys, you need to be aware of the following points when it comes to lawyer advertising:

- There is no rule which requires that the lawyer have a minimum amount of experience handling the case which the lawyer wants to advertise.
- Although the bar association has rules that govern lawyer advertising, it usually does not actively investigate, restrict or determine whether each lawyer who advertises is a specialist or has experience with the type of case being advertised. This means a lawyer can advertise that she is a "divorce lawyer" or "personal injury attorney" when that lawyer may have limited experience or knowledge of that area of the law.
- There are virtually no restrictions on the different types of law that the lawyer wants to advertise. Therefore, you should be extremely careful about choosing an attorney based solely on that attorney's advertising claim, whether the ad is in the phone book or on television.
- Any attorney can buy a big slick ad in the yellow pages. The phone book company typically does not verify the claims that are being made in the ad. In many cases the phone book company does not even verify that the person is a licensed attorney in good standing! Use caution.
- A lawyer who advertises does not mean that that lawyer will be handling your case. Some lawyers simply run advertisements and then refer outmost or all of the clients

to other lawyers to do the work in exchange for a referral fee. Such a lawyer essentially acts like a referral broker. Be especially cautious of ads placed by out of state attorneys. Because of state licensing requirements, these attorneys will usually have to refer the case to a lawyer who is licensed to practice law in Washington.

- A lawyer who purchases full page ads in the yellow pages, or pays for slick T.V. commercials, does not necessarily mean that the lawyer is super successful. Some lawyers who pay for such advertising operate a “volume practice” for the purpose of making just a little money on the numerous cases that are generated from the ad. Many times a “volume practice” attorney tries to settle all or most of the cases to earn the most amount of money in the least amount of time. The only time you may see this lawyer is if his face appears in the ad!
- Some lawyers who run big ads to fill their “volume practices” will

rarely even work on a case. These lawyers farm out every aspect of the case to a paralegal or legal assistant. The only time the lawyer may even look at your case is after it has settled and the lawyer wants to collect his fee!

- Be cautious of lawyer ads that create unjustified expectations. For example, if the lawyer advertises that he can obtain “Fast Settlements in 30 Days” he probably never goes to trial and settles cases for far less than what they are actually worth. In most cases, good settlements take time and effort.
- Sometimes the lawyer’s advertising can negatively affect your own case. If your case goes to trial and jurors recognize your lawyer from his advertising, it may undermine your lawyer’s credibility during trial. Do you want jurors to remember your lawyer as the one who can get “BIG MONEY DAMAGES!!” or “FAST SETTLEMENTS \$\$\$” for pain and suffering?? Jurors watch television, too, you know.

Lawyer TV Ads: A word to the wise

Did you know that there are companies that offer prewritten and pre-shot TV commercials for personal injury attorneys? You've probably seen one.

Sometimes a famous actor is used (like Robert Vaughan, William Shatner or Eric Estrada). Other times an attractive man or woman is shown speaking behind a desk or holding a legal book or doing something else to act like a lawyer. The person says something like, "If you've been in an accident, get the money you deserve. Speak to an attorney for free. Call 1-800-XXXXXXX."

What you need to know is that many times your call is routed to a call center that randomly sends your call to the next attorney "in line." The next one "in line" is an attorney who has actually paid a hefty fee to be on the "list." Any attorney with enough money can pay to be on the list, including attorneys who have never tried a case in court. Many times the attorney who has paid the fee is not necessarily the most experienced lawyer for your case. Now I'm

not saying that all attorneys who use TV advertising are inexperienced. But you should not rely on TV advertising alone when choosing a lawyer. Just a word to the wise.

Case Study: T.V. Personal Injury Lawyer Fails Client

Here's a sad story about a lawyer who advertised on T.V. in Rochester, New York. The attorney, Jim Schapiro, ran aggressive T.V. commercials which promised to obtain large financial settlements for victims, referred to himself as "the meanest, nastiest S.O.B. in town," and claimed to have aggressive courtroom prowess. Schapiro, who called himself "The Hammer," had law offices in the states of New York and Florida.

In 2002, one of Schapiro's clients, Christopher Wagner, sued Schapiro for malpractice. Mr. Wagner had been injured in a car accident and had responded to one of Mr. Schapiro's television ads. Mr. Wagner alleged that he had incurred medical bills of

\$182,000 but that Schapiro's firm advised him to accept a settlement of only \$65,000 from the driver and then promised that he could get more money by filing suit against the state of New York. It turned out that the state had no liability for the accident and Schapiro never pursued Mr. Wagner's case further.

In a video deposition, Jim Schapiro testified that he had never tried a personal injury case in court and that he had been living in Florida for the last seven years. Mr. Wagner's attorney also discovered that Schapiro's Rochester law firm staffed just one lawyer who had only tried four cases. A New York jury found that Schapiro had engaged in misleading and deceptive advertising and that he committed malpractice. Schapiro was ordered to pay \$1.5 million to Wagner.

Consequently, in 2004 Schapiro was suspended for practicing law for one year by the State of New York. In 2005, Schapiro was then suspended from practicing law in Florida for one year. In

2004, four additional clients sued Schapiro alleging that he had engaged in misleading advertising and had committed malpractice. Thereafter Schapiro stopped practicing law and instead now writes books for injury victims.

ABOUT THE AUTHOR

CHRISTOPHER M. DAVIS

Washington attorney Christopher Michael Davis has been representing individuals in accident cases and against insurance companies since 1994.

Davis Law Group, P.S.

The personal injury attorneys and trial lawyers at the **Davis Law Group, P.S.** are dedicated to protecting your interests and handling your case with personal attention, aggressive advocacy, professionalism, and compassion.

We have been successfully representing injured people, car accident victims, and wrongful death cases in Washington State for almost 15 years. We understand that sustaining traumatic and life changing injuries is emotionally devastating. We strive to balance this concern with the unique and rigorous demands of the legal system. We understand that the selection of your personal injury attorney is an important decision, and which may have far reaching consequences.

In 2006, he was named a Rising Star Attorney by Washington Law & Politics magazine (this recognition is given only to the top 2.5% of lawyers age 40 and under in Washington State). In 2007, Washington Law & Politics named Mr. Davis a Super Lawyer (the top 5% of lawyers in Washington). Mr. Davis speaks at Continuing Legal Education seminars on topics related to personal injury. He teaches and instructs other lawyers in Washington State on topics such as jury selection, proving damages and developing winning trial techniques.

Mr. Davis has been licensed to practice law in Washington State since 1993. He has obtained millions of dollars in verdicts and settlements for his clients. Mr. Davis is a member of numerous professional organizations, including the Washington State Trial Lawyers Association, American Association for Justice, and the North American Brain Injury Society.

If you believe you or a loved one has been wronged, contact Mr. Davis today for a FREE, no obligation consultation at 206-727-4000.

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