

Law firms and advertizing in the USA

Before 1977 , advertizing of any kind (for lawyers and law firms) was banned in all 50states In a 1977 ruling (*Bates v. State Bar of Arizona*), the US Supreme Court considered that according to the 1st Amendment of the Constitution (freedom of expression), the content of lawyers' advertizing cannot be restricted (except in cases of misleading, deceptive or false advertizing.) They assimilated law firm advertizing to a kind of commercial speech protected by the 1st Amendment

Although it was legal, advertizing was at first seen as demeaning (*dégradant*) by lawyers. Thenthey understood how it could boost their business.

Advertisements for lawyers and law firms take various forms: print, television, radio, the yellow pages, and most recently online advertising. Among the most common type of legal advertisements are those by tort lawyers, whose branch of law includes personal injury, medical malpractice, negligence, and product liability cases involving compensation for harm or damages caused by another.

The SC decision doesn't mention any specific provision. Just considered that lawyers'advertizing was legal / constitutional. Therefore , each state can have its own laws/regulations on the subject (passed by the state Congress) as long as they comply with the US Supreme Court ruling

And state bar associations continue to restrict and regulate advertisements, the main reason given to justify advertizing restrictions being to protect clients / public from unethical ads

– Examples of regulations on advertizing in several states

New York – in 2007 regulations were passed to ban / restrict lawyers' advertizing (for example no testimonials from former clients, no use of actors or fictional persons , no ads that resembled legal documents, ban on us of nicknames etc...) but most of them were considered as unconstitutional (infringement of the 1st amendment) or could not be enforced

The same thing happened in Louisiana. Some of the rules (imposed in 2008) banned adverts promising results or referring to past successes and also banned the use of testimonials, actors' endorsements; re-enactments or comparisons between services provided by different firms. A 2011 decision of the Louisiana Supreme Court struck down most of these bans.

Most states passed laws limiting direct mail solicitation by lawyers

(updated 2012)