

Important Information That You Need To Know About Lawyer Advertising in Tennessee¹

By B. Keith Williams

Before you begin your search for a personal injury or wrongful death attorney, there are some things that you should know. Do a quick review of the yellow page advertisements in your area and you will find that essentially all of the personal injury ads are the same. It is an attempt by these attorneys to yell the loudest—to get noticed first by having the largest ad. Very few of these ads actually give you any useful information to assist you in choosing which attorney is right for your case. Therefore, although the yellow pages are a good place to begin your initial search for an attorney, there are some surprising facts about lawyer advertising of which you need to be aware:

1. **There are no rules requiring that attorneys who claim to be personal injury attorneys actually have any experience in handling these types of cases.**

Your case could be their first personal injury case. Therefore, make sure to inquire as to the attorney's experience and certifications. Ask how many personal injury cases they have handled. What were the outcomes of those cases? How many jury trials have they tried? Are they board certified in civil trials? How many years have they been devoting their practice solely to the practice of personal injury and wrongful death law?

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2. **Just because a lawyer appears on T.V. does not mean he is a qualified personal injury or wrongful death attorney.**

Just because a lawyer gets on T.V. and shouts some cheesy slogan, does not mean that they actually obtain good results for their clients. Some lawyers who pay for such advertising operate a "volume practice." A volume practice is one that does not focus on maximizing the results to get the maximum amount out of each of a select few cases, but instead relies on making

¹ **This article does not constitute, nor is it a substitute for, legal advice.** Legally and ethically I am not allowed to give legal advice until I meet with you and review the particular facts and circumstances of your cases after we agree to enter an attorney/client relationship. I have created this publication with the intent of providing the reader with accurate information concerning the subject matter covered, however it is not in any way intended to give or constitute legal advice, or to serve as a substitute for the advice of your own legal counsel about your case. By creating and publishing this article, neither I, nor any attorney with the Williams Law Group is engaged in rendering legal or other professional advice, and this article is not a substitute for independent research, assessment, or advice from an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

just a little bit on the large number of cases generated by the T.V. advertising. Normally, the only time you will see a “high volume” lawyer face to face is when he appears in the advertisement. For your own good, please do not rely on slick commercials in choosing a qualified personal injury attorney.

3. **Any attorney can buy a big ad in the yellow pages.**

The phone company does not verify the representations made by these advertisements. Most telephone book companies do not even verify whether the attorney is licensed to practice law in Tennessee, or whether their license is in good standing with the Tennessee Board of Professional Responsibility. Use caution, and interview each and every attorney the same way—whether you find him or her through a referral or through the yellow pages.

4. **Beware that some lawyers run ads never intending on handling the case themselves.**

Some lawyers run big fancy T.V. and yellow page ads claiming to be an experienced personal injury attorney when their intention is not to handle your case and get you a maximum recovery. Instead, these attorney’s use the T.V. and yellow page ads to bring in cases that they then simply refer to other attorneys to handle. After making this referral, they accept a referral fee from the other attorney for taking in the case. Don’t let this happen to you—be sure you know who will be handling your case and what their qualifications are before you hire them.

5. **Beware of lawyers that create unreal expectations.**

For example, be leery of attorneys who claim that they will be able to obtain a fast settlement of your claim. Such a lawyer probably never goes to court and the insurance companies know that. Insurance companies know that an attorney’s track record of quick settlement usually reflects his or her willingness to settle cheap rather than put in the time and effort necessary to obtain a fair value for his or her clients. Any attorney can settle a case quickly...think about it—you, a non-attorney, can settle your case quickly *without* the assistance of an attorney. The question is, will it be a good settlement? In most cases, good settlements take time and effort.

6. **A lawyer that is recognizable because of advertising can actually hurt a case at trial.**

Not all big-spending advertisers refuse to go to court if necessary. But beware that his or her advertising can negatively affect your case if it goes to trial.² If jurors recognize a lawyer from distasteful ads, it may very well undermine his or her credibility during trial. And

² I want to make it clear, however, that not all attorneys who advertise on television fall into this category. For example, I know and I am personally familiar with the law firm Hill-Boren (which has offices in Memphis and Jackson, Tennessee) and consider its founding partners my personal friends. While they run T.V. ads, they do so in a tasteful way to avoid negatively affecting juries and are well respected injury attorneys.

remember, the attorney does not have to be recognized by all twelve jurors—only one juror needs to recognize the attorney and get back in the jury deliberation room to inform the other eleven of his or her opinion of the lawyer’s credibility. You do not want jurors to remember your lawyer as the one who undermines his own credibility with distasteful advertisements. Jurors watch television just like you and I, and they will impute their opinion of that lawyer’s credibility to the facts and circumstances of your case.

Although there are rules in Tennessee governing attorney advertising, the Tennessee Board of Professional Responsibility does not actively investigate, restrict or determine whether a lawyer claiming to be a personal injury attorney actually has any experience in the personal injury area of the law. It is therefore upon *you* the consumer to thoroughly investigate any personal injury attorney before you employ him or her.

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