

# Lawyer Advertising Rules-A-Changing

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## LAWYER ADVERTISING IN NEW YORK IS ABOUT TO CHANGE

Starting this fall, you no longer have to worry about seeing cheesy ads on television or in print from celebrities hawking lawyers and law firms in New York. It's true. The advertising rules for lawyers are changing. No more Bill Shattner (from Star Trek) telling you how great a particular law firm is. No more photos of lawyers standing in front of a courthouse, or even inside a courtroom. Our rule-makers (and many lawyers) felt that many ads were simply degrading to the legal profession. (You think?)

Also banned are computer pop-ups, misleading testimonials and catchy nicknames that lawyers have used, like "The Hammer" or "Pit Bull." Let me ask you a question. When you see an ad like that, do you really want to rush out and call someone because you saw a pop-up ad on your computer? Do your fingers rush to the phone to start dialing a lawyer because he tells you how quickly he can get you cash for your injuries? When you see an ad with a wrecked car and a person in a wheelchair, smiling, holding up a cardboard check with lots of zeros on it- does it make you want to throw up, or does it make you rush to the phone and call that lawyer?

I've written many articles on lawyer advertising, and recently wrote about why you won't find a medical malpractice lawyer in the Yellow Pages. The reason is exactly why the advertising rules in New York are changing for lawyers. The ads are disgusting, and totally uninformative.

All lawyer ads say the same thing-FREE CONSULTATION...NO FEE UNLESS WE WIN...WE WIN MILLIONS...Is it any wonder that a consumer can't pick a lawyer? Just look in your local yellow pages under the heading LAWYERS. You will easily see 40 pages of lawyer ads, ALL SAYING THE SAME THING. The only difference is the size of the ad, (2 page ad, 1 page ad, 3/4 page, 1/2, etc.)

The funny thing is that you could interchange the names on the ads in yellow pages, and it wouldn't make any difference.

For those of you who missed my recent lawyer advertising article, I am reprinting it here:

### Top 10 Reasons Why You Won't Find A New York Injury Lawyer In The Yellow Pages

Open any yellow pages book in New York under the heading 'lawyer' and you'll be immediately bombarded with every type of injury and claim you could ever make. Full page ads, double page ads, blazing color, unsightly photos, screaming bold headlines...how does an injured victim choose a lawyer among all this clutter?

Here's a sampling of statements found in current yellow pages ads in the Greater New York Metropolitan area:

"Tough, aggressive, experienced." What does this mean? That you're a pit bull who knows how to bark and bite?

"Serious trial lawyers for the seriously injured." What does this mean? That if you're not seriously injured you need a trial lawyer who's not serious?

"Over 70 years combined experience." What this means is that each attorney has limited experience, but if you pool everybody's experience together, we can make it seem like we've been around for hundreds of years.

"Special consideration for senior citizens." This is an obvious play for cases involving elderly people. Just what special consideration would this firm give to senior citizens that it doesn't give to all its' clients?

"Experienced in obtaining large cash awards quickly." Does this mean that this firm never takes cases to trial? The only large awards that are resolved quickly are ones that are clear cut on liability, causation and damages. Do I want an attorney who is experienced in obtaining large cash awards slowly? What's the rush? If I rush, isn't there a good chance that I'll get less money for my injuries than I deserve?

"You made a mistake once, now choose the right lawyer." Guess what type of law this firm practices? Divorce.

"Get the money you deserve!" OK, sign me up and show me the money. What if I deserve more than you can get for me?

"Call the law firm that never sleeps." That's an interesting way to distinguish oneself. Being up 24 hours a day, bleary eyed, and tired? If you never sleep, how can you adequately represent injured victims?

Photo of lawyer holding briefcase in one hand, large cardboard check in other, smiling. Client, on crutches, in a leg cast, looking with total glee at the cardboard check, with her hands open wide as if to exclaim "WOW!" Give me a break. Believe it or not, this violates the disciplinary rules in the State of New York. It's a no-no.

How about an ad without any name, or address, just an 800 phone number? No good. Violates the rules. Would you call a 'no-name' law firm?

All these ads make you feel rushed to get your cash. Sort of makes you feel "lucky" you got hurt, doesn't it? So, with all of these great lawyer ads, how does a consumer who's been injured pick the right one? Do you have to call each and every one? That would be extremely time consuming and not very effective.

Do you trust the firm because they show pictures of crashed cars and an ambulance nearby? How about the photo of a worker falling in mid-air from a scaffold? Can you relate to him? Maybe you can relate to the photo of the elderly woman slipping on ice and another photo of her lying on a stretcher in the hospital? Do these illustrations and photos make you all warm and fuzzy about the law firm you're about to call? I personally don't think so.

Here's the top 10 reasons you won't find a New York Injury Lawyer from an ad in the yellow pages:

1. You can't tell one ad apart from the other.
2. The lawyer ads all say the same thing. "Call me," "Personal attention," "Large Cash Awards," "Lots of experience," "Pick me, ooh, pick me!"
3. Many ads scream at you, without telling you how they can help.
4. Do you call a firm just because they have a larger ad than someone 20 pages into the book?
5. Every ad says that I can talk to a lawyer for free, but what are the fees to handle my case? None of the ads talk about that.
6. Who pays the legal expenses if I don't win my case? Many ads don't tell you.
7. How do I know if one attorney is any better than the other? I can't tell just from an ad.
8. Aren't these ads just trying to sell me their services? "I don't want a salesman, I want a lawyer who knows how to guide me through the legal system."
9. I don't want to go through 40 pages worth of yellow pages ads- I need help now. Maybe I'll go online instead.
10. Do you really want to pick a lawyer the way you choose a plumber?

So, for those lawyers who claim that our first amendment rights are being infringed upon, I say- Nonsense. These ads are ridiculous. The only way a consumer can choose an attorney wisely is by getting as much information as they can. Making an informed choice is the only choice when choosing a lawyer.

When you call a lawyer's office, ask if they give out free written information about how lawsuits work. Do they provide information, such as on a website, that answers frequently asked questions about injury victims and the legal process? Is there any way for you to get all this information BEFORE you ever step into a lawyer's office?

There is...you just have to know where to look. For a good example go to my website, [www.oginski-law.com](http://www.oginski-law.com) where I have over 200 frequently asked questions. I have over 70 original articles posted online. On my site I have hundreds of law-related news articles, especially those involving jury awards and settlements in injury cases in New York and across the country.

I am very pleased to report that I get compliments every day from people across the country about the content and information on my website. That's the key that most lawyers don't understand. By providing relevant content to information-starved people, an injured victim can make a truly informed choice about their options.

It's about time those lawyer ads were changed! Attorney Oginski has been in practice for over 17 years as a trial lawyer practicing exclusively in the State of New York. Having his own law firm, he is able to provide the utmost in personalized, individualized attention to each and every client. In our office, a client is not a file number. Client's are always treated with the respect they deserve and expect from a professional. Mr. Oginski is always aware of every aspect of a client's case from start to finish.

Gerry represents injured people in injury cases and medical malpractice matters in Brooklyn, Queens, New York City, the Bronx, Staten Island, Nassau and Suffolk Counties. You can reach him at <http://www.oginski-law.com>, or 516-487-8207. All inquiries are free and totally confidential.