

## **2017 Trial Lawyers Association of Metropolitan Washington, D.C. Aspirational Statement Concerning Advertising and Solicitation**

The Board of Governors of the Trial Lawyers Association of Metropolitan Washington, D.C., on behalf of the entire Association, has adopted the Aspirational Statement hereby reproduced in full. This statement will be attached to all applications for membership, both initial and renewal, and represents a level of responsibility that all members of the Association will follow.

Trial lawyers are dedicated to the protection of individual rights, the promotion of equal justice under law and the highest ideals of public service. In order to best accomplish these essential goals, the needs of our citizens to receive timely and accurate information concerning legal services must be balanced against the sensibilities and privacy of those whom we seek to protect.

The United States Constitution guarantees the free flow of information; advertising by lawyers helps all citizens to be apprised of their rights and obligations. However, the exercise of commercial speech rights by attorneys carries with it an obligation to exercise such rights responsibly, and in the best interests of the public.

Accordingly,

1. Trial lawyers recognize that following a calamity, victims and families may be susceptible to undue influence by certain in-person and/or telephone solicitation. However, trial lawyers know that victims may be victimized by unsolicited contacts by insurance companies and others representing those who have caused the injury or death and seek to avoid or minimize financial responsibility for the wrongdoer's conduct. Such contacts often include advice to forego or delay obtaining legal counsel. This advice, if followed, may result in the loss of opportunity to preserve crucial evidence. In order to address these concerns, trial lawyers should:
  - A. Participate in and support public service activities whose purpose is to educate the public concerning their rights, privileges, and remedies as citizens.
  - B. Trial lawyers should not personally, by telephone or through a representative, contact any injured party, or an aggrieved survivor, in an attempt to solicit a potential client, when there has been no request for such contact from the injured party, an aggrieved survivor, or a friend or relative of either. However, such contact may be proper, if the injured party has a family or prior professional relationship with the lawyer.
  - C. Trial lawyers should be vigilant to report to appropriate authorities known or suspected cases of vexatious, improper, or overreaching conduct directed towards victims whether by lawyers, insurance companies or others.
2. Trial lawyers are sensitive to the concerns of all victims and the special concerns of victims and families of mass disasters. Accordingly, trial lawyers should not seek to exploit the occurrence of a disaster by going to the scene or locale of a calamity to set up temporary quarters for the purpose of soliciting claims among those who are injured, or the families of those who are killed. Also, lawyers should not initiate or cause to be initiated a television appearance, or initiate or cause to be initiated comment to any news media concerning an event causing injury, within 10 days of the event, unless the lawyer is representing an aggrieved party or forgoes any financial benefit from the compensation paid to those injured or the families of those who are killed.
3. Advertising best serves the public good when it educates and enlightens. It does harm when it misleads the public or demeans the legal profession. Accordingly, since advertising may be the only contact many people have with lawyers, advertising by lawyers should help members of the public to understand their legal rights and the judicial process, promote respect for the right to trial by jury, and uphold the dignity of the legal profession. Therefore:
  - a. Trial lawyers should not intentionally advertise to attract legal matters which are outside the lawyers' areas of competence, nor shall any lawyer intentionally advertise for cases which he or she has no initial intention of handling, for the sole purpose of brokering such cases to other lawyers. It is recognized however that the association of co-counsel in mass tort cases which are part of national litigation and MDLs may be in the best interests of the clients, so long as the originating attorney maintains joint responsibility for the case under bar rules.
  - b. Trial lawyers should avoid advertising which undermines the serious purpose of legal services and the judicial system or erodes confidence in the legal profession. This may include using inappropriately dramatic music, unseemly slogans, hawkish spokespersons, premium offers or outlandish settings.

- c. Advertising by trial lawyers should not contain disparaging comparisons with or negative comments concerning the services offered by other lawyers or firms.
- d. Trial lawyers should take particular care when describing fees and costs in advertisements so as not to mislead the public.
- e. Trial lawyers should not personally, or through a representative, make false or misleading (including self-aggrandizing) representations of trial experience or provide false or misleading information as to results previously achieved for other clients.