

Firm's ads seek to improve the impression of trial lawyer

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Anyone watching television during the daytime or late at night has probably seen commercials from plaintiff personal injury lawyers urging badly injured people to call them because they can get those victims the money they deserve.

Most of Philadelphia's elite plaintiff firms have stayed far away from TV advertising because of its prohibitive cost and not wanting to appear like hucksters chasing ambulances.

But now what is perhaps the city's best-known plaintiff firm, Kline & Specter, has taken to the airwaves with ads that name partner Shanin Specter said are designed to not only drum up business but also improve the image of trial lawyers.

The ads, produced by consultant Chris Mottola, who produced ads for Specter's father U.S. Arlene Specter and President Bush, show images of the firm's lawyers at work and espouses the firm's virtues and how it has worked to improve public safety.

Specter said the firm is not hurting for business, and he and fellow name partner Thomas Kline do not speak in the ads because they have a larger agenda than looking for clients.

The ads clearly have the feel of a political commercial, which is no surprise being that Mottola made them. But Specter said in addition to buying airtime during the usual 9 a.m. to 5 p.m. slots – when many badly injured people are at home – the firm decided to buy time during the Sunday morning talk shows.

“We wanted to appeal to a different audience,” Specter said. “We wanted community leaders to hear this. Trial lawyers need to work on our image because we are not highly regarded, and we rarely defend ourselves. So firms like ours need to talk about what we've done to protect the safety of consumers.”

For example, Kline & Specter argues that SEPTA improved safety after losing a \$51 million verdict in 1999 when a 7-year-old boy's foot was torn off by a subway escalator.

Philadelphia Bar Association Chancellor Alan Feldman, partner at plaintiff firm Feldman Shepherd Wohlgeleinter Tanner & Weinstock, has not seen the ads but is glad Kline & Specter is taking a different approach from the others.

“Some of those ads tarnish us all in 30 seconds,” Feldman said. “But they are effective.”

Feldman said most plaintiff firms don't advertise on television because they do not have the war chest necessary to afford the sustained ad buys needed for branding.

Joel Feldman, managing partner at Anapol Schwartz, one of the city's biggest plaintiff firms, said most of the partners at his firm are in their 50s and 60s and still find TV commercials distasteful.

He said his firm's advertising is limited to local newspapers where it seeks potential plaintiffs for its mass tort practice in cases involving products such as Vioxx or Bausch & Lomb's recalled contact lens cleaning solution.

Robert Mongeluzzi of Saltz Mongeluzzi Barrett & Bendesky, which focuses largely on construction accident cases, said his firm relies on those who do advertise on television to provide referrals, so it does not want to “bite the hand that feeds us” by running competing ads.

Lawyers could not advertise at all until the 1997 U.S. Supreme Court case *Bates v. State Bar of Arizona* said that bar associations were not free to restrict law firm advertising in a wholesale way. So bar associations have spent the better part of the past three decades determining reasonable limitations.

Scott Vernick of Fox Rothschild, who specializes in legal ethics, said the stigma of television advertising is slowly melting away but the debate over content still exists. The bars of New York and New Jersey both recently tightened restrictions on law firm advertising.

Lawrence Fox of Drinker Biddle & Reath, former chairman of the American Bar Association's standing committee on ethics and professional responsibility, said overall such ads have made the public aware that lawyers are accessible and do not charge a fee unless they get a positive result. But he said they have also badly damaged the image of trial lawyers and lawyers in general while stirring up more bad claims.

Specter said the Kline & Specter ads will take a hiatus most likely until after the fall election season as the firm does not want the trial lawyer message to be lost amid the campaign rhetoric.

"I don't see any reason why trial lawyers shouldn't advertise on television," he said. "The Rothman Institute, which we greatly respect, advertises. So why not us? Some of us say we get results, and we say we make things safer. Either way we have the right and the duty to inform people about what we do."