

Highlights Law of Lawyer Advertising 2024-2025

- The Supreme Court of Louisiana upheld disciplinary sanctions against a member of the Louisiana bar for, among other things, failing to “include proper disclosures related to the portrayal of clients and scenes depicting an accident.” The Louisiana Rules required appropriate disclosures of any portrayal of a client by a non-client without disclaimer disclosing the use of the non-client, or “the depiction of any events or scenes, other than still pictures, photographs or other static images, that are not actual or authentic without disclaimer of such.”
- In order to articulate the aspirations of the profession, the Florida bar created a “Special Committee for the Review of Professionalism in Florida.” “The Special Committee’s charge was to consider the state of professionalism among Florida lawyers and to develop recommendations for the Supreme Court of Florida. Among other matters, the Florida Committee included the extensive recommendations regarding issues germane to lawyer advertising, marketing, communication, and social media.
- When bar authorities or courts reviewing the actions of bar authorities interpret state ethics rules governing lawyer advertising and marketing, it is important to bear in mind “the avoidance doctrine.” The avoidance doctrine is a canon of statutory construction that counsels against interpretation of an administrative rule or statutory provision in a manner that avoids tensions with the constitution, if there is an alternative construction that avoids the necessity of adjudicating the constitutional question.
- In *Maryland Shall Issue, Inc. v. Anne Arundel County Maryland*, the United States Court of Appeals for the Fourth Circuit addressed the distinction between commercial and non-commercial speech in the context of controversial disclosures mandated by government entities.