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(NB Since taken over by National Guidelines)

Advertising

The Legal Practitioners Complaints Committee is concerned that a number of advertisements referred to it in recent months may, in the Committee's view, have breached Professional Conduct Rule 4.2 in one or more aspects.

The Committee is particularly concerned to note the prevalence of advertisements referred to it which claim or imply the superiority of the practitioner advertising over other practitioners. Another area of concern is advertising which may adversely affect the reputation or standing of the legal profession.

Professional Conduct Rule 4.2 prohibits advertising which:

- is false in any material particular;
- is misleading or deceptive or likely to mislead or deceive;
- is vulgar, sensational, or such frequency or otherwise of the kind that would be likely to adversely affect the reputation or standing of the or any practitioner of the legal profession;
- claims or implies superiority for the practitioner over any or all other practitioners;
- contains any testimonials or endorsements concerning the practitioner;
- includes a claim or words to the effect or implying that the practitioner is a specialist, expert, leader or an established or experienced practitioner in any field of practice or generally, although it may contain a statement of the fields of practice in which the practitioner will or will not accept instruction. However, a practitioner who has obtained a certificate of accreditation in an area of law pursuant to and according to the rules of the Accreditation Scheme of the Law Society of Western Australia may advertise the fact of that accreditation, and may be identified as a 'specialist', 'accredited specialist' or 'accredited lawyer' in the area of law to which the certificate of accreditation relates.

The Committee reminds practitioners that a breach of this Rule may amount to unprofessional conduct. The Committee will be giving careful consideration to any future advertisements coming to its attention which appear to breach this Rule.

In the Committee's view the following are unacceptable:

- a description of a practitioner as a 'specialist' when that practitioner has not received a certificate of accreditation in the area of law advertised;
- a description of a practitioner as a 'leader' in an area of law;
- a description of a practitioner as 'stubborn' or 'aggressive'.

A practitioner, if he/she has obtained a certificate of accreditation, may advertise the fact of that accreditation. However, he/she may not imply in the advertisement that practitioners who are not accredited are less competent.