

A note from the Legal Practitioners Complaints Committee

Advertising – free consultations

The committee has noted with concern a number of complaints arising from practitioners advertising free initial consultations. The committee draws the attention of practitioners to point 10 of the National Advertising Guidelines, which provides that:

An advertisement of 'first appointment free' should be capable of being read at face value. What constitutes the 'first appointment' could also be a source of confusion for consumers. Lawyers who regard only the first 20 minutes of the first appointment as free should make sure the consumer is aware of this before beginning to charge. To avoid misleading consumers, advertisements that offer a 'first appointment free' should clearly spell out the terms and conditions of the offer.

The committee's view is that not making clear any qualifications to the advertised offer of a free consultation, or giving undue prominence in an advertisement to that offer without linking it adequately to the qualifying words, may be misleading or deceptive and may amount to unprofessional conduct.

There are particular difficulties with a free consultation which is restricted to 20 minutes – to avoid any possible misunderstandings, if a practitioner proposes to charge for consultations which extend after the first 20 minutes, that must be made clear to the client well before the consultation commences.