Given that lawyers have a legal right to advertise, if the profession is to maintain credibility and quality, the least that can be done is to insure that advertising and marketing is as honest and factual as possible. While these rules may seem stringent to some, the integrity of the profession is a slippery slope. I support the presently proposed changes with the added explanation below.

Justice McCormack raises key questions in the published Order of January 10, 2018 to which I will offer my thoughts:

1. Is MRPC 7.1 already an adequate mechanism for protecting the public?

   Answer: No. Most attorneys are reluctant to publicly express their opinions about advertising and what it is doing to the profession. Rhetorically, is it raising the quality of lawyers handling the cases solicited, does it adequately inform the public about these lawyer’s qualifications and abilities, or as H.L. Mencken said, is it all about the money? Promoting professionalism and “protecting the public” requires full and honest disclosure.

2. Should the proposal's first sentence be targeted only to advertisements that solely consist of a web address or a telephone number, which is how the proposal was described by the State Bar of Michigan in its submission letter, or should it apply to all advertisements, which is how the proposal is currently styled? In other words, should the proposal read "Services of a lawyer or law firm that are advertised under the heading of a phone number, web address (i.e., law.com), image, or icon shall identify the lawyers or law firm providing the services," or should it read "Services of lawyer or law firm that are advertised only under the heading of a phone number, web address (i.e., law.com), image, or icon shall identify the lawyers or law firm providing the services"?

   Answer: It should apply to all: "Services of a lawyer or law firm that are advertised under the heading of a phone number, web address (i.e., law.com), image, or icon shall identify the lawyers or law firm providing the services". Limiting the rule’s scope would only encourage alternative and imaginative methods to circumvent the intent and effectiveness of the rule.

3. Will the proposal affect law offices that self-identify by solely listing their telephone number on their physical building or road sign, such as 1-800-LAW-FIRM in the attached photo?

   Answer: Yes, one rule for all (see 2 above).

4. What is the scope of website advertising that would fall within this rule? For example, should it be limited to individual websites owned or managed by lawyers or law firms, or will it include third-party media advertising such as Craigslist listings, Facebook places, and Google places?
Answer: One rule for all (see 2 above).

5. What are the proper definitions of "image" and "icon" as used in the proposal?

Answer: Image or icon: “a symbol or graphic representation which has a characteristic in common with the thing it signifies” (Oxford Dict.). I doubt anyone would spend time and money putting an “image or icon” in an ad that does anything other than identify and promote the lawyer or law firm advertising.

6. Will this rule regulate online advertising differently than the current rules regulate billboard, transit bus, television/cable, radio, and smartphone pop-up ads? If so, is that appropriate? If not, why not?

Answer: No. One rule for all forms of advertising. Once guidelines are agreed upon for full, honest and adequate disclosure these should not be compromised because of the medium. That also is a slippery slope.

Thank you for your efforts and please feel free to call if you have any questions.

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