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The Supreme Court of Alabama Issues Order Regarding Lawyer Advertising

Montgomery, AL - This week, the Supreme Court of Alabama adopted new ethical rules addressing lawyer advertising. "Our new rules accomplish two important things. First, they bring our rules up to date in terms of social and technological changes. Second, they substantially improve the public's protection from false and misleading advertising," said Chief Justice Sarah Stewart.

The Supreme Court asked the Alabama State Bar to review and update the advertising rules in response to concerns from the public that there is too much lawyer advertising that is deceptive. Justice Jay Mitchell acted as the liaison between the Court and the Alabama State Bar to ensure that the process fully satisfied the Court's request. Justice Mitchell commented, "These rules are the product of a years-long collaboration between the Supreme Court and the State Bar. The clarity they bring will benefit both the legal profession and the public at large."

The Supreme Court also requested that the Alabama State Bar to conduct a public survey to find out the specific concerns with lawyer advertising. The survey found that Alabamians overwhelmingly believe attorneys who appear in advertisements should be licensed to practice in the state. The survey also found Alabamians want to know if an advertising attorney has a law office in their community, whether advertising attorneys will personally handle their case, and whether an advertised verdict amount was actually received.

A committee formed by the Alabama State Bar drafted new rules that addressed these concerns while staying within the constitutional guardrails established by the United States Supreme Court. In this regard Michal Upchurch, co-chair of the drafting committee, stated that "the Committee's goal was to draft rules that are reasonable, practical and constitutionally sound... [But] our rules must recognize and respect that the United States Supreme Court has essentially held that lawyer advertising is protected by the First Amendment unless it is false or misleading."

"It is important to the Supreme Court that rules governing the behavior of attorneys in our state protect the public to the furthest extent possible within the constraints of the Constitution. We strongly believe we owe Alabamians transparency and accountability for attorney and judicial conduct," said Chief Justice Sarah Stewart, "we are always mindful that the public's trust and confidence in the justice system must dictate what we do every day."