

Legal Ethics: Do Attorneys Have the Right of Free Speech?

During the show tonight, the area of attorney advertising was discussed and what lawyers are allowed to say and what constitutes as advertising for themselves and for their firm.

For me, the real question is whether lawyers can ever truly separate their work life and their personal life. Can a lawyer ever just act as a private citizen, or are they on-duty 24/7? Take for instance our radio show - the name of our radio show is "The Tully Rinckey Legal Power Hour," taken from my last name and the name of my colleague Mathew Tully. The name of our law firm also happens to be Tully Rinckey PLLC, so does this mean that when I am acting as an on-air personality on the radio show, I am still acting as a lawyer representing my firm? I think there is a fine line between the two, and that anything I might say on the show could affect my business.

Some may say that this isn't entirely fair, that there should be a clear division between the two. However, as lawyers, we took an oath and agreed to abide by those rules. What I think is an even bigger concern, one that the Ethics Committee has recently taken action on, is the perception that lawyers have in the public eye, and whether potential clients are getting an honest sense of what services their attorney can truly provide them.

Many attorneys go by monikers that can sometimes mislead the public. For instance, I brought up the example of calling yourself "Al the Stanley Hammer" during the show, but there are many other crazy monikers attorneys go by these days. I would like to think that the public doesn't really take these names seriously, and personally, I don't see the harm in them. They help lawyers gain attention, and even though I wouldn't necessarily use their services, I don't believe there should be a law stating that they can't use this type of advertising.