

THE LAW SOCIETY OF SINGAPORE

PRACTICE DIRECTION 6.2.1

[Formerly PDR 2013, para 66]

ADVERTISEMENT AND MEDIA PUBLICITY

A. Presenting a News Show on the Radio or Television ('TV')

[Formerly PDR 1989, chap 6, para 1]

It is not improper for a legal practitioner to present a news show on the radio or TV.

B. Advertisement through Press or TV

[Ethics in Practice, Singapore Law Gazette, March 2010]

Advertisements through the press or TV, unlike advertisements via the distribution of flyers in public places, would not be touting or be reasonably regarded as touting. This is because advertisements through the press or TV do not have the added danger of direct-in-person solicitation (*ie*, the potential client may be subject to undue influence, intimidation and over-reaching because of the presence of his lawyer or his 'tout').

In addition, in the absence of the element of direct in-person solicitation in advertisements through the press or TV, the general public's need for information about legal services would outweigh the concerns arising from the commoditisation of legal services. Hence, advertisements through the press or TV would not be "unbefitting the dignity of the legal profession" under rule 44(1)(b) of the Legal Profession (Professional Conduct) Rules 2015 (S 706/2015) ('PCR 2015') or "likely to diminish public confidence in the legal profession or to otherwise bring the legal profession into disrepute" under rule 44(1)(a) of the PCR 2015.

C. Filming at Law Practice's Office Premises

[Ethics Committee Guidance: 12 June 2009]

There is no prohibition against such filming in the PCR 2015 but every legal practitioner of the law practice is responsible for ensuring that the filming complies with all the rules governing publicity in Singapore, which are found in Part 5 of the PCR 2015. Thus, the name of the law practice should not be disclosed in any of the scenes as such disclosure may reasonably be regarded as touting under rule 43(4) of the PCR 2015. It is, however, not improper for the name of the law practice to appear in the closing credits as acknowledgment of the law practice's participation.

In addition, every legal practitioner of the law practice must comply with his/her ethical obligations in rule 6 of the PCR 2015 by taking all necessary measures to ensure that no confidential information is disclosed to the film crew or any other third party during the filming within the office premises. For example, all confidential files and documents should be securely stored out of sight during the filming.

D. TV Commercials

[Ethics in Practice, Singapore Law Gazette, March 2010; Ethics Committee Guidance: 9 February 2010]

A legal practitioner should ensure that a TV commercial advertising his law practice is not reasonably regarded as misleading under rule 44(1)(b) of the PCR 2015 because the commercial, which is usually brief, is primarily viewed by laypersons who can easily form misimpressions that are difficult to correct.

A TV commercial may be reasonably regarded as misleading if:

- (a) it contains a material misrepresentation (eg, representation that the practice is a leading family law practice when it does not have expertise or experience in family law);
- (b) it omits to state a material fact (eg, failure to state that the law practice only acts in uncontested divorce matters if the practice has no expertise or experience in contested divorce matters);
- (c) it contains any information which cannot be verified (eg, only a contact number is given without stating the name of the law practice); or
- (d) it is likely to create an unjustified expectation about the results that can be achieved by the legal practitioner or his law practice (eg, stating that the law practice will be able to recover party and party costs in a civil matter).

A TV commercial is reasonably regarded as unbecoming the dignity of the legal profession under rule 44(1)(b) of the PCR 2015 if it suggests that other law practices overcharge their fees or sets out price lists. However, it is not improper for the commercial to refer generally to fixed fee arrangements to provide peace of mind and meet budgetary concerns. It is nevertheless advisable that, for proper compliance with rule 17 of the PCR 2015, a legal practitioner's duty to disclose detailed information relating to fees would be best discharged by personally explaining it to the client as opposed to highlighting it in a brief TV advertisement.

E. Complimentary Advertising in Newspaper

[Ethics Committee Guidance: 22 June 2009]

It is not improper for a law practice to accept an offer of complimentary advertising in a newspaper, so long as the law practice ensures that the advertising complies with rules 43 and 44 of the PCR 2015. In particular, the description of the specialisation of the law practice in the advertisement must be in accordance with rules 43(1)(a) and 43(2) of the PCR 2015.

Date: 1 June 2018

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE