

Supreme Court Gets Ad Ban Complaint

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Nashville attorney Bart Durham today filed a civil action complaint against the Tennessee Supreme Court alleging the high court's restriction on the advertising practices of attorneys is unconstitutional.

Durham named Chief Justice Ray L. Brock, Justices Joseph W. Henry, Robert E. Cooper, William H.D. Fones and William J. Harbison and state Attorney General William Leech as defendants in the petition.

The Tennessee Supreme Court Dec. 19 amended a previous ruling regarding advertising practices of lawyers.

"There shall be no advertising of legal services indicating areas of practice or specialization except when listing routine legal services accompanied by a fee schedule for such services," the Tennessee Supreme Court ruling said.

The U.S. Supreme Court ruled in 1977 that it was permissible for lawyers to advertise their prices.

But the Nashville Bar Association petitioned the Tennessee Supreme Court to clarify rules governing lawyer advertising after the Dec. 19 amendment.

It was discovered that several lawyers were in violation of the recent amendment in telephone Yellow Pages advertisements.

Richard Bird, president of the Nashville Bar Association, said, "I am satisfied that the existing rule is to limit advertising to routine legal services for a specified fee."

Durham alleges in the petition that the regulation is a restraint on the attorney's right to free speech.

Durham, who advertises his legal services in the newspapers, states he will suffer "immediate and irreparable harm" if not permitted to advertise under the original court ruling.

The high court ruling means an attorney cannot list routine legal services available by his company without listing the cost of those services.