

Supreme Court Gets Ad Ban Complaint

By TAM GORDON
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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.

Decision on Lawyer Fees Ruled Illegal

NASHVILLE (AP) — A Federal judge has struck down a Tennessee Supreme Court ruling that requires lawyers to quote prices when they advertise their services.

In an opinion issued yesterday, U.S. District Judge L. Clure Morton wrote that the ruling was unconstitutional because it violated lawyers' First Amendment rights to free speech.

Nashville attorney Bart Durham had filed suit challenging the state court's ruling.

Durham, who peddled his legal services from a van at a recent Nashville flea market, said the Supreme Court was "limiting the right of the public to know, because there are a lot of things you can't put a price on. It resulted, as a practical matter, in my not being able to advertise the practice of criminal law at all."