Local Legal Services Advertising

2019 – Quarter 3

Georgia

Trial lawyers and aggregators increasingly spend large sums of money on television, digital, and print advertising to recruit new clients for class action lawsuits. In the third quarter of 2019 alone, it is estimated that more than $250 million were spent on nearly 3.7 million ads for local legal services or soliciting legal claims across the United States. Much of this advertising is conducted by aggregators: businesses that recruit potential plaintiffs and then sell their information to law firms.

Consumers see doomsday ads about the lethal effects of medications or even general medical injury, and consequently stop using their medicine. This is often done without consulting a doctor, causing health problems for the patients and increasing litigation risk for the product manufacturers.

These over-the-top advertisements from personal injury attorneys with catchy jingles and toll-free numbers pose a serious danger. These ads undermine the simple notion that physicians and health care providers, not personal injury lawyers or the "aggregators" who run the ads for the lawyers, should dispense medical advice.

The reason why trial lawyers pump significant money into these ad buys is because, armed with more clients, they can boost settlements and payouts when they go after large corporations. This leads to larger contingency fees for themselves.

The ads do more than help recruit clients, however. They also have the ability to influence the thinking of citizens who may serve on a jury in lawsuits. A survey conducted by Trial Partners, Inc. found that 90% of jurors would be somewhat or very concerned if they saw an advertisement claiming that a company's product injured people. Additionally, 72% of jurors agreed somewhat or strongly that if there are lawsuits against a company claiming its products have injured people then there is probably truth to the claim – showing just how great an impact these ads can have.

While this study by the American Tort Reform Association is focused on Georgia, trial lawyer advertising is not an issue isolated in one community or in one state. Rather, trial lawyers across the United States identify jurisdictions friendly to their work and relentlessly pursue new clients in search of the next large payout from a trial or settlement. Without a national solution, this problem will persist for communities across the nation.

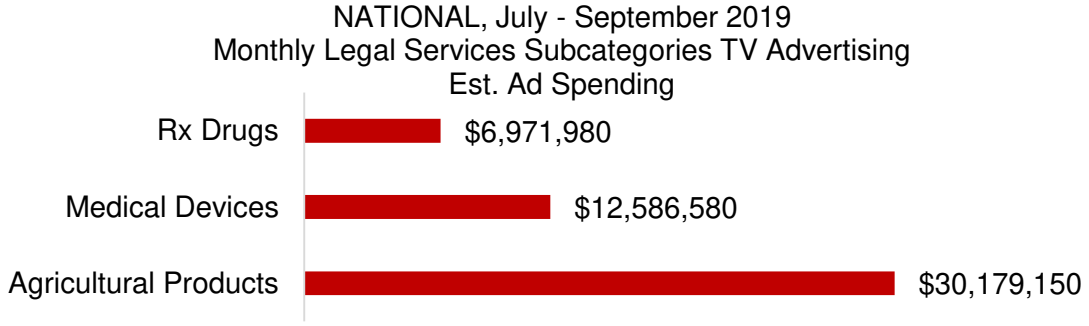
While there are not enough bandages to cover the injuries trial lawyer advertising has caused, we can take steps to inform the general public. Through education we can shine a spotlight on the aggregators who mislead consumers and sell their information to law firms. By arming everyday Americans with this knowledge, we can help push back against trial lawyers and engage with our local leaders for potential solutions and policy changes.

Local legal services television advertising in top media markets in Georgia
3rd Quarter of 2019

January 2020

In the third quarter of 2019, from July through September, nearly 3.7 million advertisements for legal services and/or soliciting legal claims aired on local broadcast networks in the 210 local media markets across the United States.[1] It is estimated that more than one quarter of one billion dollars was spent on airing these ads.[2] Approximately 7% of the locally broadcasted legal services ads during this six-month period aired in six media markets in three states across the United States. These markets – Miami-Ft. Lauderdale and Tampa, Florida; Atlanta and Savannah, Georgia; and Charleston and Clarksburg, West Virginia – also accounted for 10% of all local legal services television advertising spending during this time period.

In addition to local advertising, television viewers in these markets would also have been exposed to more than 45,000 TV ads for legal services airing on national cable and broadcast networks and during nationally syndicated programming across the country in the third quarter of 2019. It is estimated that $71 million was spent on these ads. Approximately 60%, or 28,000, of these national ads solicited litigation claims related to alleged injuries caused by pharmaceutical drugs, medical devices, and agricultural products. These ads also accounted for 70%, or $50 million, of the estimated spending on national advertising that quarter.[3]

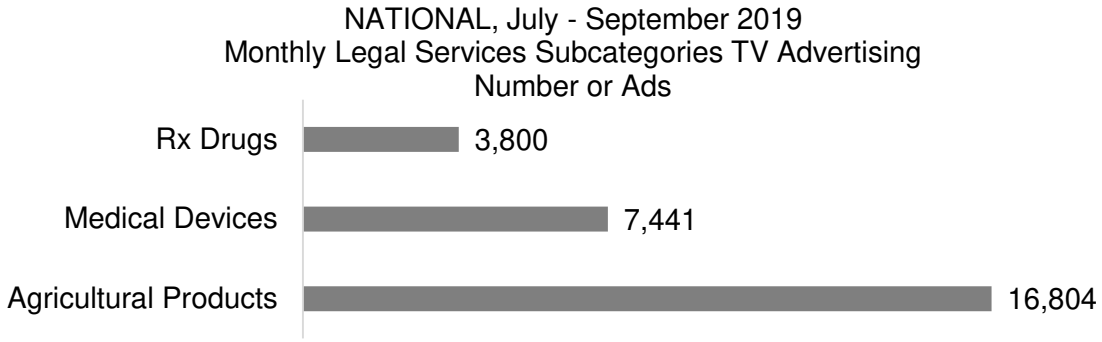


[1] The total estimated number of local legal services TV ads broadcast during this time period was 3,664,657. This total and other TV advertising data cited in this report does not include legal services TV advertisements broadcast nationally on national cable and broadcast networks or during nationally syndicated programming nor does it include local cable television broadcasts.
Data and analysis on television advertisements in this report are provided by X Ante using Kantar CMAG data.

[2] An estimated $252,673,499 was spent on legal services TV ads during this period. Ad spending figures are estimates based on publicly-available ad rate information and industry surveys. Data are estimates and may vary over time due to revisions to account for duplicates or errors and the availability of updated ad rate information.

[3] National TV advertising includes: Cable TV - ads airing nationally on any of the monitored cable networks (e.g. USA, AMC, CNN); Network TV - ads airing nationally on any of the national broadcast networks (e.g. ABC, CBS, FOX, NBC); Spanish Lang Network - ads airing nationally on any of the Spanish-language national broadcast networks (e.g. Telemundo, Univision); and Syndication - ads airing nationally on syndicated programs wherever they are broadcast across the country.

Local broadcast TV advertising or "Spot TV" includes ads airing on local broadcast networks (e.g. A TV ad that airs on WJLA during the 5PM evening news is seen only by viewers in the Washington, DC media market or designated market area (DMA)).

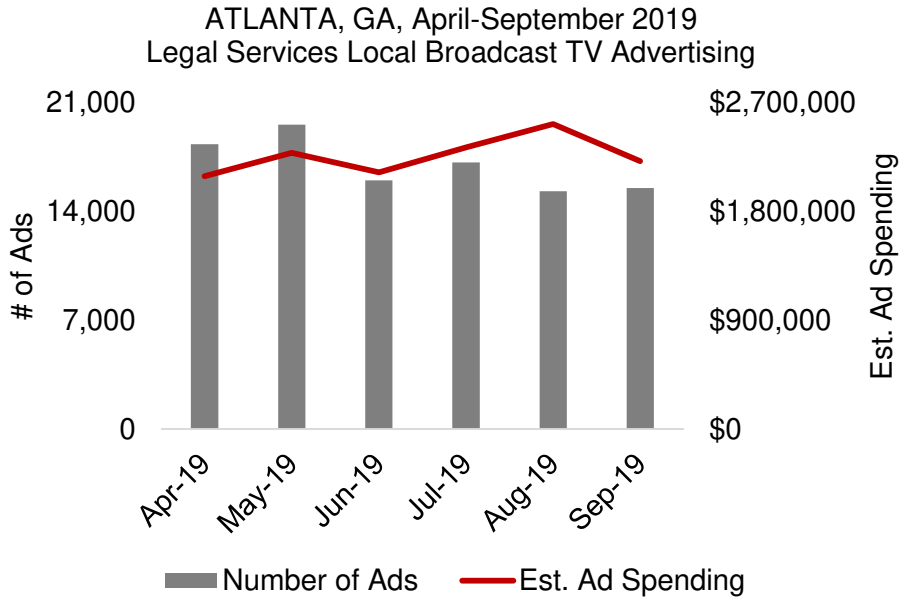


Atlanta and Savannah, the two largest media markets in Georgia and the 10th and 89th largest in the country, also saw heavy local legal services TV advertising in the third quarter of 2019. Local advertisers for legal services sponsored a daily average of approximately 1,100 ads, a total of 101,254 ads, in these markets at a total estimated cost of $10 million from July through September.

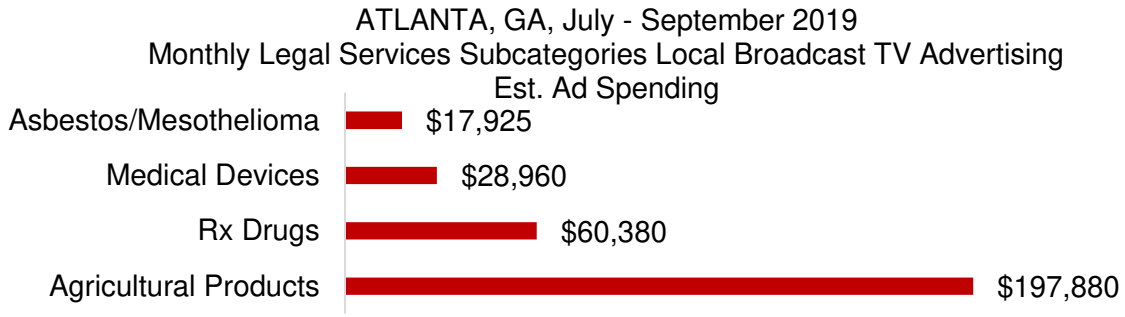
Atlanta

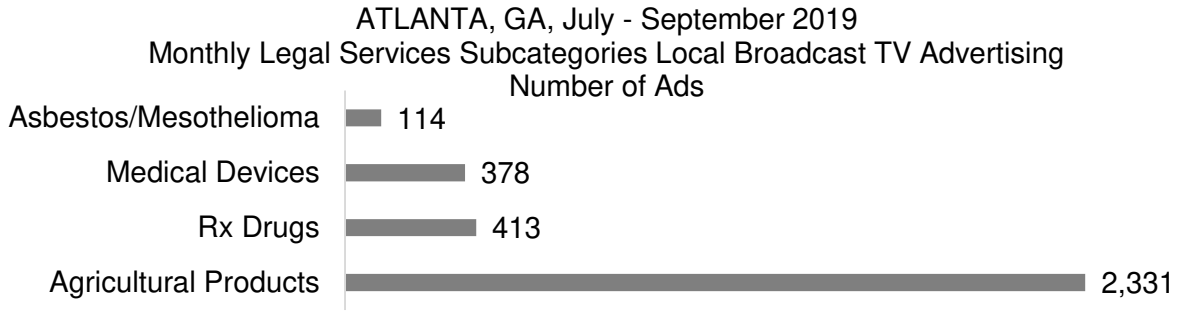
Estimated spending on locally broadcast legal services advertising in Atlanta jumped 9% from the second to the third quarters of 2019 when $570,000 more was spent. The $7.1 million spent from July through September purchased 48,000 legal services ads. While spending on the ads increased, the number of ads aired actually declined by approximately 6,000 or 11% – likely due to higher advertising rates and/or the ads airing during more expensive time slots.

Approximately 520 ads advertising legal services and/or soliciting legal claims aired every day in the third quarter of 2019 in the Atlanta market – nine times the number of local ads for clothing store during this period.



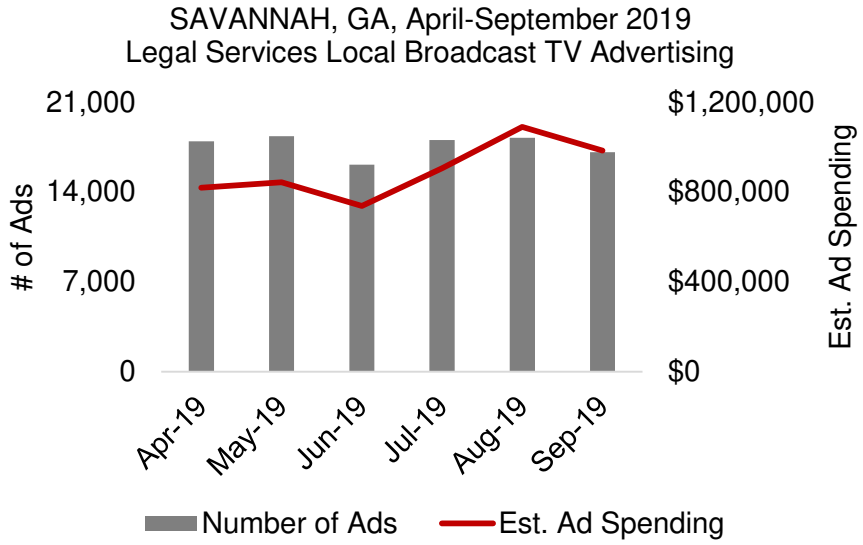
Seven percent of the legal services ads in Atlanta from July through September solicited claims related to pharmaceutical drugs, medical devices, agricultural products, and asbestos/mesothelioma litigation.



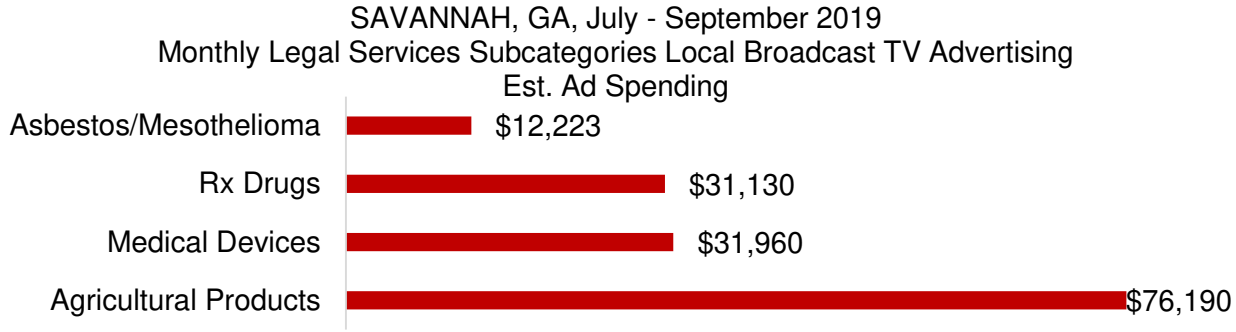


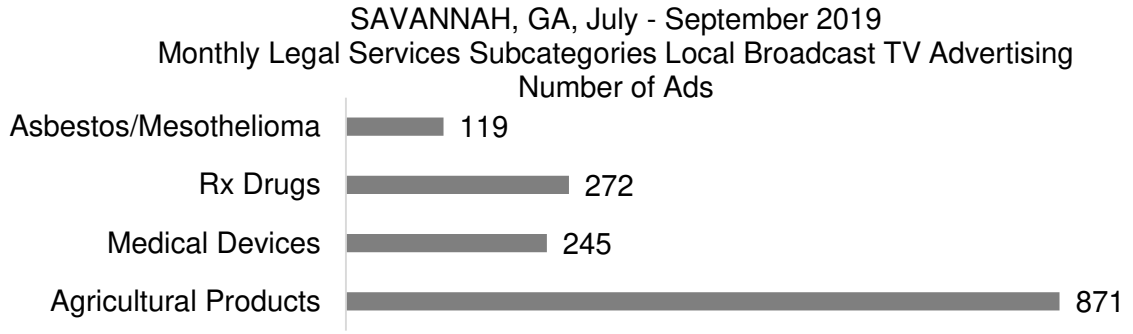
Savannah

While much more was spent on legal services advertising in Atlanta than in the smaller Savannah media market approximately 5,500 more ads aired in Savannah in the third quarter than in Atlanta – an average of 580 ads per day. The more than 53,000 ads aired in Savannah in the third quarter of 2019 were approximately 2% more than the number of ads in the second quarter. Quarterly spending on these ads increased by approximately 24%, or $580,000, however. These ads ran eight times as often as local TV ads for furniture stores in Savannah during the third quarter.



Three percent of the local legal services ads in Savannah from July through September solicited claims related to pharmaceutical drugs, medical devices, agricultural products, and asbestos/mesothelioma litigation.





Source material

Data analysis in this report provided by X Ante used data from Kantar CMAG. X Ante monitors and reports on advertising and monitoring by lawyers, law firms and other soliciting legal claims on television, radio, online, social media and elsewhere. The television advertising coverage includes expenditures and commercial occurrences by attorneys and law firms in 210 media markets and on 12 national broadcast networks, 8 Spanish-language networks, and more than 80 national cable networks. X Ante has provided this data and analysis to prominent law firms and Fortune 500 companies.

Materials reviewed

In compiling this report, X Ante examined comprehensive data sets on commercial occurrence and expenditure information for television advertisements sponsored by attorneys and/or law firms seeking claimants on local broadcast television networks in the selected media markets.

The data examined included monthly totals of estimated spending on legal services advertising and the number of times these ads aired each month from April 2019 through September 2019.

The data was gathered and provided by the Campaign Media Analysis Group (CMAG), a Kantar Media Solution, that monitors, codes and aggregates television advertising information 21 hours a day (5:00 AM - 2:00 AM) utilizing the MediaWatch Technology – an automated, patented and proprietary system. The monitored stations constitute the principal stations in each market, typically including the network affiliates and major independents.

CMAG staff watch, review, and code every ad to determine the messages used in each and the content information is merged with the automated placement and spending information.

The system is designed to capture new commercials as they first air and then track every succeeding airing of each commercial across the universe of TV platforms outlined above.

The spot occurrence and placement data are automatically assigned by the system. The spending rates are estimated according to quarterly polling by Kantar Media of television stations and advertising industry sources to determine average 30-second advertising daypart-level rates and program rates for sports and special programming for the upcoming quarter. To account for the time it takes for any given rate to populate within the system, CMAG uses an average cost function based on rates from historical program averages airing in the same market on the same station during the same daypart. These temporary estimates are updated with actual sourced rates when they become available.

Several weeks after the local data is produced, Kantar Media receives the results from a national broadcasting industry survey conducted monthly by the Television Bureau of Advertising (TVB). This new information provides a national advertising growth trend as reported by responding stations. Expenditures are adjusted to reflect these industry spot revenue patterns. Once this final rate data is available, all temporary rates calculated using the average cost function are replaced with the final data.